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Chapter 1
Reflection(s) on "Administrative Absorption of Politics"

1.1 I

There are a number of theories that try to characterize Hong Kong's political system under British rule. For example, Professor Lau Siu-kai, until currently Head of Central Policy Unit of the Hong Kong Special Administrative Region (HKSAR) Government, called the political regime a "benevolent dictatorship" under which a "secluded bureaucratic polity" took shape. Professor G. B. Endacott of Hong Kong University used the term of "government by discussion," while his colleague Professor Peter Harris described Hong Kong in the old days as an "administrative state" without political parties. Professor Ambrose Yeo-chi King of the Chinese University of Hong Kong characterized the mode of the former Hong Kong regime as "administrative absorption of politics." Professor Kuan Hsin-chi preferred the description to "depoliticized political system." Among them, King's theory of "administrative absorption of politics" is probably the most influential one in analyzing the British Hong Kong political system. His viewpoint has affected much subsequent understanding of Hong Kong's political system under British rule. Not just that, some scholars also take his standpoint to examine the political system of the Mainland. For instance, Mr. Kang Xiaoguang has done just that, which may be well-intended, but is so out of place. He somehow has misread the context upon which the concept was originated.

King is a prominent sociologist and anthropologist in the Chinese academic world. It is his penetrating grasp of the development of Chinese society that gives King his insightful thought on the country's politics. His work entitled *Chinese Politics and Culture* was published as a companion piece of his earlier work *Chinese Society and Culture.* These two book titles themselves reflect King's much-thought intentions, i.e. scholarly to approach China's politics and society from a cultural perspective and politically to take a dual socio-political path to rebuild China's civilization/culture which would be faced with the world. Such extensive thoughts can also demonstrate from the elaborate layout for the collected

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articles in the *Chinese Politics and Culture*, namely, the first three chapters dedicated to Hong Kong's political system and its transformation; the fourth on Chinese intellectuals and political evolvements in the Mainland; the next two focused on the transformation of Taiwan's political system, and the issue of Confucianism and democracy in Asia; the last chapter entitled "Restructuring a Civilized Order in Modern China: On China's 'modernization' and 'modernity.'"

Although these chapters touch upon Hong Kong, Macao, Taiwan, the Mainland, Asia, and then the world respectively, King's major concern actually focuses on how traditional China faces the challenges of modernity, thus to reconstruct a Chinese civilizational order. It is under this overarching theme that the concept of "administrative absorption of politics" crafted by King on the colonial political system tells more tellingly that why Hong Kong's "politics" (here could be simplified as democratic participation and the support for it) is only possible in a real sense since its return to the Mainland under the constitutional framework of "one country, two systems" and "Hong Kong people governing Hong Kong." Such an understanding of Hong Kong's politics shares the same realistic concerns as the theory of "depoliticized political system" put forward by Kuan Hsin-chi.

Once King's theoretical pursuits and political concerns are clear, they therefore command our special attention for the theory of "administrative absorption of politics," more specifically to the exact meanings of "administration" and "politics." Although King does not define fully on these two concepts, perusal of his article shows that by "administration" he refers to a government administrative system, and that by "politics" he means democratic participation of the public (especially the elite). If we agree that modern political system generally is a system of democratic participation by the public based on representation, then Hong Kong in the colonial period is undoubtedly an exception. The uniqueness of Hong Kong's political system lies in the fact that it succeeded in suppressing the development of representative system whilst opening up the administrative system to a certain degree by "absorbing" the public participation as a form of democracy into the British colonial ruling.

Therefore, the concept of "administrative absorption of politics" is in fact a special political system or political arrangement. The one successfully settled the "Hong Kong dilemma" that challenged the western political theory. It assumes that democratic politics arise from a metropolis with an advanced civil society (i.e. Hong Kong fulfilled these two criteria but did not develop democratic politics). It was based on such a contradiction between the theory and Hong Kong's reality that King conducted a systematic analysis in his writings of how the Legislative Council (Legco) and Executive Council (Exco) brought social elites into politics, how the Chinese could assume the posts in the civil service establishment, and how the Urban Council and local communities enrolled the grassroots.

The concept coined by King has grasped the essence of British Hong Kong political system to the very point. However, if we probe further into the question as to how such a political system has become possible, we then will discover that this way of interpretation unfortunately compresses the long political evolution in Hong Kong over a century into a flat narration, as if all the "absorptions" took place

simultaneously at a one go. As a matter of fact, special political demands at different phases in history generated different "absorptions." For example, the extensive absorption of the grassroots appeared in the 1960s to the 1970s; the systematic absorption of the Chinese into the civil service system began after the Second World War; and the absorption of local community organizations such as *Kaifong* associations was an ongoing process ever since the 1840s. If we neglect these historical changes, we will not be able to perceive the "politics" hidden behind all these different "absorptions," and what is more important is that this hidden "politics" cannot be absorbed by the "administration." In other words, such a sociological description makes British Hong Kong system detached from its historical context, and actually depoliticizes the process of "administrative absorption of politics."

Here is the problem. When King categorized such key institution of the British Hong Kong government, for instance the Legco, the Exco, the civil service system and the Urban Council, as "administrative," he neglected two things. First, it did not discuss the internal interaction between these institutions and Hong Kong's political system under British rule. And more fundamentally, it did not deal with the issue as to where the "politics" of the British Hong Kong government was. As we know, one of the basic principles of politics as an academic discipline is that "politics" takes the lead vis-a-vis "administration." If the "politics" was absorbed by the "administration" in colonial Hong Kong, then the logical question would be who led the "administration"? To use a grammatical term, the verb-object phrase "administrative absorption of politics" lacks a subject. Only do we discover the subject, we then are able to reveal the real political issues.

The truth of the matter is that the colonial ruling under a British Governor, which is the British Hong Kong's biggest politics, and which in turn cannot be absorbed by "administration." As a result, the kind of "politics" to be absorbed by the administration must be totally different from the "politics" under the Governor-dominated system. The system was designed in such a way that if the politics had not been absorbed, the administration headed by the Governor would have become an absolute colonial dictatorship. It was because of the process of "absorption" that made such ruling a benevolent dictatorship, to use Lau Siu-kai's phrase. In this sense, the "politics" to be absorbed by the administration referred by King is not the kind of politics defined by Max Weber pointing to domination and controls, but rather a politics of "political participation" or "politics of consultation." Beneath the different classification of the former and the latter hides the fundamental difference between the British and the Chinese over the sovereignty of Hong Kong. The colonial nature of Hong Kong's politics is that the British domination absorbs the Chinese political participation. Thus, the term of "government by discussion" coined by Endacott is a more accurate description to reveal the essence of British Hong Kong's political system, namely, the British ruled with some consultation to the Chinese.

A more exact rendering of "administrative absorption of politics," therefore, should be "through administration, the Governor (the British) absorbs (the Chinese) political participation." The British is the real subject here, the Chinese being no

more than a modifier before the object. "Britain was the real 'sovereign' of Hong Kong. People of Hong Kong were neither able nor necessary to take care of issues related to politics. Except for a very few established Chinese with wealth and power that were granted the right to participate in and discuss on politics, the majority of Chinese were excluded from politics, and downgraded as pure 'economic animals.' The 'administrative absorption of politics' merely pointed out that politics in Hong Kong has already become something akin to economic managements, a purely 'economy.'"[1]

If we are ever to understand this point, we have to understand the Governor system in Hong Kong. Talking about Hong Kong's political system without taking into account the Governor would be like studying politics without discussing issues on sovereignty and domination. Therefore, if we are to come to the true understanding of King's "administrative absorption of politics," we need to understand the art of administering the British Empire as embodied in the "Governor system" as well as the struggle between the rulers and the ruled over Hong Kong's sovereignty during British rule there.

1.2 II

Professor Norman Miners regards the political system of Hong Kong under British rule as "living fossil of early imperial government,"[2] for it had hardly changed in more than a century since 1843. The design of such a regime reflects the political craft of the British Empire in governing its colonies. In short, the constitutional and political system established by the Empire in Hong Kong came under influence from three directions. First was Britain's domestic political experience, mainly manifested in the parliamentary system based on representative politics and the according separation of powers, of which the seemingly independent judicial practice was an art of great importance, as it clad the colonial rule of the British Empire in a cover of legitimacy. Second were the experiences and lessons from the period of its First Empire, namely its colonies in North America. Local independent movements under the slogan "no taxation without representation" brought the British authorities to a realization that they needed to guard as well as guide the political participation of their colonial subjects. As a result, the Empire would set up a legislative council in all its colonies, giving the colonial elites an opportunity to participate in political matters. The third direction was British experience in ruling India. To achieve efficient administration of a colony with a vast territory and complex ethnic composition such as India, it was necessary to practice

[1]Wu Zengding, "Administrative to Administration, Political to Politics," *21st Century,* Issue 12, 2002.

[2]Miners, *Hong Kong's Government and Politics*, Chinese translation by Wu Xiushan, Shanghai Translation and Publishing Company, 1986, p. 1.

"indirect rule" via local social and political establishments already in place (such as the chiefdoms of native peoples). The Governor system employed in Hong Kong by the British Empire was in fact an amalgam of all three political experiences.

As a regime, the core of the system was the multiple functions fulfilled by the Governor. The Governor not only exercised privileged powers granted by the Crown, acting as the Crown's representative in Hong Kong, but also acted as an unofficial representative of the Hong Kong colony in the British Empire. He was not only the head of the British Hong Kong government, but also the head of the entire Hong Kong colony. In other words, the Governor not only exercised "sovereignty" over Hong Kong on behalf of Britain, but also exercised the "right to administration" in the name of the British Hong Kong government, and, to some extent, represented the entire Hong Kong colony, thus combining in a single entity the three different identities of the British Empire, the Hong Kong colony and the British Hong Kong government. The Governor possessed an absolute supreme power in Hong Kong, as the paragraph 105 stated that "The Governor is the single and supreme authority responsible to, and representative of, Her Majesty."[3] As Miners says that "The Governor's legal powers are such that if he chose to exercise his full authority he could turn himself into a petty dictator."[4] However, what so often has been ignored is that the constitutional documents laid the foundation of Hong Kong's political system were sufficient to guarantee the Governor's loyalty to the British Empire. For example, in light of the source of his powers, the Governor was appointed by the British Crown, while directly under the Secretary of State for the Colonies. He had to abide by such constitutional documents as the Letters Patent and the Royal Instructions. On the subject of exercising sovereignty, the Governor could not sign diplomatic documents, despite being the representative of Britain in Hong Kong, nor could he directly command the British regular forces in Hong Kong, despite being the nominal commander-in-chief of the British forces in Hong Kong. As to his legislative power, the bills approved by the Governor after the passage by the Legco could not contradict the laws of Britain or the instructions of the Secretary of State for the Colonies. The British government had the right to reject part or all of a Hong Kong law, if it was considered inappropriate, or even to enact laws for Hong Kong. In terms of jurisdiction, the power of final adjudication of the Hong Kong court was in London. Although the tradition of parliamentary sovereignty does not grant the British court the power to launch a constitutional review, it could pronounce as invalid any laws or regulations attempting to revise a decree of pardon issued by the King or Queen in the Privy Council, or to amend the Letters Patent or clauses in the Royal Instructions, according to the Colonial Laws Validity Act.

[3]Foreign and Commonwealth Office (1977) *Colonial Regulations*, London: Her Majesty's Stationery Office, Part II, p. 4.

[4]Miners, *Hong Kong's Government and Politics*, Chinese translation by Wu Xiushan, Shanghai Translation and Publishing Company, 1986, p. 94.

While the constitutional and political arrangement of the Governor system strengthened the Governor's absolute power, it also strengthened the Empire's absolute control over its colonies, thus ensuring the proper functioning of imperial politics. However, the real vitality of the system was not the Governor's absolute power, rather the cloaking of such absolute power under an apparently democratic system, namely establishing the Legco and the Exco, the true political function of the Councils.

In essence, the Exco was a personal advisory body of the Governor and its main function was to deliberate policy issues and assist the Governor in making decisions. In any case where the Governor rejected the advice of Members of the Council, he would have the final say on the issue concerned, despite that he would have to report the grounds and reason of his judgment to the British government. The Exco consisted of the Official Members, i.e. government officials mainly the Colonial Secretary (later called the Chief Secretary), the Attorney General, the Treasurer (later called the Financial Secretary), and the Commander of the British Armed Forces in Hong Kong as *ex officio* Members, and the Unofficial Members, mainly leading figures of British mercantile community, often serving also as Unofficial Members of the Legco.

At the very beginning of British occupation in Hong Kong, the Legco was not even separated from the Exco Council. According to the 1843 Letters Patent, the Council was not a legislative body at all. As a legislative body, the Legso was not an organ of power, and thus did not hold the authority to supervise. Its composition too had Official Members (the Chief Secretary, the Attorney General and the Financial Secretary), other Official Members as well as Non-official Members. Nevertheless, both the Legco and the Exco were organized around the Governor, since members of both Councils were his appointees, and the Governor himself assumed President of both Councils, having absolute right of control over the two setups. For example, in cases where the Governor and the members of the Exco held different views, the former had the right to reject the latter. Similarly, the Legco had to get the Governor's approval to move a motion, and the legislative process and activities were also decided by the Governor. During the procedure of voting on an act, the Governor not only had his original vote, but also had a casting vote in case of a tied decision. Even more importantly, the Governor had the power to make emergency legislations and dissolve the Legco. Besides, to maintain the consistency of legislation and administration, the *ex officio* members of the Exco were concurrently *ex officio* members of the Legco, while the non-official members of the Exco were selected from the same pool as the Legco, thus the term "members with dual membership."

Studies on the two Councils often stress the Governor's absolute control over legislation and administration, which was clearly a lesson learned from the First Empire. Back in those days, it was precisely the existence of an independent parliament in the North American colonies that had severely hindered the Governor's exercise of power. Moreover, its supervision over the Governor had turned this parliament into a political center for the independence movement. Obviously, to set up two Councils attached to the Governor was to prevent any

tendency for independence in the colonies from happening again. However, if we recall the well-known remarks made by Michel Foucault that power is not about possession but on exercise, we then see the way how the Governor exercised his absolute power via the two Councils to respond to changes in social development with flexibility and resilience. More importantly, the Legco could develop from a consultative body to a representative body variation, as especially demonstrated by the appointment of the non-official members.

Right from the start, the Hong Kong colonial government faced political challenges from British merchants, who constantly submitted demands to the government back in London for political reforms, in line with the constitutional and political tradition of "no taxation without representation." In 1849 they proposed to establish a municipal council. In 1855 they proposed to open up the seats in the Legco, and appoint the representatives of rates payers therein. In 1894 they called for increase the number of non-official members to the degree of a majority in the Legco. However, all these petitions were rejected by London since such proposals for political system reforms did not accord with the Empire's constitutional and political order to control the Hong Kong colony. Just as the Secretary of State for the Colonies pointed out in a letter to Governor Robinson in 1894, Britain could not give up Hong Kong's status as a colony, nor adopt an electoral process, given the fact that the majority population was Chinese. Nevertheless, in order to answer to these demands for reforms, the British Hong Kong Government gradually opened up positions in the Legco and the Exco for non-official members. Starting in 1850, the government began to appoint British mercantile consortiums as non-official members of the Legco. In 1896, the Exco was also opened up, with two non-official members from the British consortiums.

Towards the end of the 19th century, with the rapid development of Chinese business consortiums in Hong Kong, Chinese merchants strongly demanded that the British Hong Kong Government abolish the harsh discriminatory policy long imposed on the Chinese. John Pope-Hennessy, the 8th Governor of Hong Kong, realized the importance of the Chinese to the Britain's commercial interests because without their cooperation there could be no prosperity for Hong Kong, nor was this policy conducive to British interests.

All manner of racially based restrictions directed by the British Hong Kong government at the Chinese (for example, due to the separation of residential districts, Chinese investment could not enter British residential areas) were "indirectly a restriction on factory owners in Manchester since the latter ones need the cheapest and best managers in Hong Kong to sell their goods into the Chinese market."[5]

Thus, Pope-Hennessy revoked discriminative policies against the Chinese during his term of office, and in 1880 proposed to appoint Mr. Ng Choy as the first Chinese non-official member of the Legislative Council, after the objection from the Colonial Secretary in 1879 to appoint him as an acting member of the Legco. Later

[5]Yu Shenwu and Liu Cunkuan (eds.), *Hong Kong in the 19th Century*, Joint Publishing (H. K.), p. 160.

Ng Choy resigned this position to become the first Minister of Foreign Affairs of the Republic of China. Ng Choy was none other than Wu Tingfang, a famous figure in China's modern history. By the early 20th century, movements against imperialism and feudalism were sweeping across China, among which the Guangzhou-Hong Kong General Strike of 1925 had an especially heavy impact on the British Hong Kong government, forcing it to realize that colonial rule could not last without the cooperation of the Chinese. As a result, in 1926, the Hong Kong colonial government opened the Exco to Chinese membership and appointed Chow Shou-son, a Chinese merchant, as the first Chinese non-official member, in an effort to "disarm anti-British resentments in China and encourage local Chinese loyalty in Hong Kong."[6]

The appointment of the non-official members was, as King puts it, to "absorb" social elites by opening up positions in the two Councils. It was, in fact, to make Chinese elites attach themselves to the Governor through a variation of the representative system in the form of the Legco. For the Chinese, such attachment did not emerge until the end of the 19th century. As an important channel of "administrative absorption of politics," the opening up of the Hong Kong civil service to Chinese entry was merely a part of Britain's post-WWII plan to withdraw from its colonies. In comparison, the reason that the absorption through traditional social organizations such as neighborhood associations, provincial guilds and the Po Leung Kuk charity started in the early days of the colony, was that the colonial administration undertook no social management whatsoever to the Chinese. Many issues concerning the basic welfare of the Chinese population were matters left entirely to the Chinese themselves.

Then in the 1970s, because of the anti-British protests in 1967, the colonial government began assuming social functions, strengthening the absorption of the leaders of the grassroots. In fact, this was an extension of the "indirect rule" adopted by the British all along. Although the limited size of Hong Kong meant that the colonial government actually practiced direct rule, it had never abandoned the principle of "indirect rule," for instance, involving various non-political Chinese organizations in social management. However, faced with the tenacious resistance of the Chinese, the British Hong Kong government was forced to go further and allow autonomy in some areas, for example allowing the "New Territories" district to use the customary laws inherited from the Qing dynasty. As a result, Hong Kong has become a living example for researchers of comparative law to study China's traditional customary law system.

Frederick Lugard, the 14th Governor of Hong Kong, and the founder of Hong Kong University, expounded on "indirect rule" in his classic work *The Dual Mandate in British Tropical Africa*, which summed up Britain's governance over its colonies. Only when we understand ideology of "indirect rule," can we understand the British adsorption of "Chinese elites," which is the essence of "administrative absorption of politics."

[6]G. B. Endacott, *Government and People in Hong Kong, 1841–1962* (Hong Kong, 1964), p. 146.

> The essential feature of the system (as I wrote at the time of its inauguration) is that the native chiefs are constituted "as an integral part of the machinery of the administration. There are not two sets of rulers – British and native – working either separately or in co-operation, but a single Government in which the native chiefs have well-defined duties and an acknowledged status equally with British officials. Their duties should never conflict, and should overlap as little as possible. They should be complementary to each other, and the chief himself must understand that he has no right to place and power unless he renders his proper services to the State."[7]

1.3 III

It should be noted that King's seminal paper was not set to summarize Hong Kong's political system under British rule (a fact that is often overlooked by the readers), but to explore the following issue:

> As an urbanized political entity, the long-term political stability of Hong Kong is a puzzling and intriguing mystery. The central concern of this article is to provide a possible explanation. Basically, we are of the opinion that Hong Kong's political stability in the last hundred years, particular in the last three decades, could be accounted for primarily by the successful process of the administrative absorption of politics. It is a process through which the British governing elites responded in timely manner enlarging and modifying the structure of ruling bodies by co-opting or assimilating emerging non-British socio-economic elites into the political-administrative decision-making bodies, thus, attaining an elite integration on the one hand and a legitimacy of political authority on the other. Consequently, any strong counter-elite groups are prevented. This is the special feature of Hong Kong's political model, and a fundamental reason behind its political stability.[8]

Accordingly, King regards the "administrative absorption of politics" as an elaborate craft of political manoeuvre, which is why he calls it a "political model" in the subtitle of the article. It was an approach to which the colonial government had constant recourse for rebuilding legitimacy under political pressure. Thus, King examines this political means from all aspects. This is probably the reason why he has put aside the historical evolution and discussed those government bodies with very different functions, such as the two Councils, the civil service and local organizations like the Urban Council, altogether.

The same theme is pursued in *Political Change and the Crisis of Legitimacy in Hong Kong* by Professor Ian Scott of the University of Hong Kong. In this frequently quoted book, Scott illustrates how the Hong Kong colonial governments "acquire, maintain and lost legitimacy, how their governments justify their right to

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[7]Frederick Lugard, *The Dual Mandate of British Tropical Africa*, p. 203, Edinburgh and London: William Balckwood and Sons.

[8]Ambrose King Yeo-chi, *Chinese Politics and Culture*, Hong Kong: Oxford University Press, 1997, pp. 43–44.

rule, and whether their populations accept those justifications." This is because that "Colonial regimes, by their nature, have particular problems with legitimacy."[9] Given the fact that both King and Scott have their focus set on the political means of the British Hong Kong government in shoring up its legitimacy, however there are two major differences between King's article and Scott's book.

Firstly, Scott's point of departure is on the issue that in what way the colonial rulers have tackled the crises of legitimacy, meanwhile demonstrated their political will, wisdom and techniques. Thus, in his view, the "administrative absorption of politics" is no more than just a ruling strategy of the colonial government. King, for his part, also acknowledges that "administrative absorption of politics" was a technique of the British Hong Kong government to rebuild its legitimacy. He observes the "normal pattern in elite-consensus building is to co-opt the men with a power base into the polity," and takes it as institution which formed gradually in Hong Kong to respond to the issue of legitimacy. However, legitimacy is not his major concern. He emphasizes more on the "administrative absorption of politics" as a systemized and institutionalized elite-integration mechanism and a model of political participation so as to respond to the post-Weber political theory that democracy originates from urbanization, thus to address such a puzzle as to why metropolitan Hong Kong did not give birth to democracy. In other words, King approaches the central theme of the "administrative absorption of politics" more from the angle of social integration. According to him, the British Hong Kong government used the "elite integration" model to keep political stability, absorbing the Chinese upper-class elite into politics; but with the awakening of the lower strata of the society in the 1960s, such a model was hard pressed, and political stability could not be achieved without working out how to integrate "the elite and the masses." Compared with the studies done by Scott, King's tone has a less "political" flavor. Based on this difference, the second question is raised, namely "how to judge the anti-British protests of 1967?"

Secondly, for that "past three decades" that King's article particularly addressed, Scott dedicates a whole chapter to the "political turmoil" of the 1960s. He realizes clearly that the fundamental question underlying the turmoil concerns who is the real owner of Hong Kong's sovereignty. Therefore, he pays special attention to the anti-colonialism sentiment among the people of Hong Kong, and regards the relationship between the British ruler and the Chinese subject as a crucial issue. It was simply a way to pacify Chinese people's anger that the British had recourse to "administrative absorption of politics" and organizing various consultative committees, rather than adopting democratic electoral politics. Just as Governor Murray MacLehose, who took office in 1971, warned of holding free elections in Hong Kong that "if the communists won, that would be the end of Hong Kong. If the Nationalists won, that would bring in the communists." Of course, what he meant by the "end of Hong Kong" here was first and foremost the end of British rule.

[9]Ian Scott, *Political change and the Crisis of Legitimacy in Hong Kong*, Hong Kong: Oxford University Press, 1989, p. 36.

Thus, if we are to understand the true meaning of "administrative absorption of politics" since the late 1960s, when the colonial government worked extensively to set up consultative committees and various public organizations targeting the grassroots, we must see it against the backdrop of the year 1967 and the government's savage crackdown on the anti-colonial movement, which was itself an important part of anti-imperial and anti-colonial movements across the world after the Second World War. At the time, following the victory of the Chinese revolution and the launch of the Cultural Revolution, the little red book *Quotations of Chairman Mao Zedong* began to win popularity worldwide. The British colonialists, in particular, took as their own political motto Mao's famous saying "The people are like water and the army is like fish" so as to find the secret behind the Communist Party's victory—namely organizing the people and mobilizing the masses. It was the learning and practicing of this approach that enabled British colonialism to suppress the communist uprising in Malaya in the 1960s.

Lee Kuan Yew, the founding father of Singapore, recalls in his memoir how he learned the mass line from the Communist Party, competed with the Communist Party in Singapore to organize and mobilize the people, and won the final victory. Meanwhile, the British Hong Kong government sent officials to Singapore in order to learn from the institutions founded by Lee Kuan Yew, including "the People's Association" and the "Citizen Consulting Committee." The colonial government also learned from the Communist Party different ways to organize the people, establishing various consultative organizations and launching all kinds of social movements, with the aim of drawing the public over to its side.[10]

Take the City District Officer Scheme as an example. The Scheme was launched in mid-1968 by the colonial government to encourage the public participation in local affairs. Ten City District Offices were officially established in the urban Hong Kong and Kowloon areas, which were further divided into 47 sub-districts with a population about 45,000 people each. Furthermore, area committees were formed in these districts in 1972 primarily to promote public participation in the Keep Hong Kong Clean Campaign, the Fight Violent Crime Campaign, and housing environment, among others. Therefore, without understanding the anti-British protest of 1967, or the significance of the Chinese Revolution and Culture Revolution in world history, we will not be able to truly understand the political significance of the "administrative absorption of politics" practiced by the British colonial government.

However, this "political turmoil" is merely touched on as background in King's article, as he follows the colonial government's line, regarding the "turmoil" as resulting from a "communication failure" between the government and the lower social strata, and thus attributes it to a "crisis of integration," namely that while the British rulers had succeeded in integrating the social elite, they failed in integrating

[10]Lee Kuan Yew, *Memoir of Lee Kuan Yew*, Lianhe Zaobao, 2000.

the grassroots. In this way, in King's writings a political struggle for sovereignty, a struggle against imperialism and colonialism, was downgraded to a social issue, an issue of integration of the elites and the masses. A serious political issue was completely socialized, neutralized and formalized, with "the elite" and "the masses" turning into abstract social subjects without faces or history. It is upon such a basis of sociological methodology that divorces facts from value, that such a "de-politicized" social study of the British Hong Kong political system as adopted by King generated immeasurable political impact, as it concealed the political essence of British colonial rule over Hong Kong behind a mask of objective and academic study.

Furthermore, if we reconstruct Chinese culture and its civilizational order by this "depoliticized" and "de-subjectivized" way of social sciences method, then the only outcome could be a "Hong Kong style" one, which is built under the concepts of freedom, the rule of law and democracy. In fact, this is no longer a reconstruction of "Chinese" culture and civilizational order, but a reconstruction of (western) culture and civilizational order "in China." Unguardedly, the word "China" is once again changed from a subject into a modifier of the object, from a concept of cultural meanings to a purely geographic one. The cause for this subtle difference may be that King is a sociologist, while Scott expertise in political sciences. Therefore, if we are to recover the political aspect driven out by King's sociological methodology, we will discover that the real meaning of "administrative absorption of politics" is not simply "integration of the elites," but integration into the colonial system of those elites or grassroots that were willing or apparently willing to accept colonial rule after the British rulers suppressed activists who stood out against colonial domination for their own sovereignty.

1.4 IV

King's article was written in the 1970s against the background that the Hong Kong colonial government was launching a City District Officer Scheme, when various movements organized by university students in Hong Kong were at their high tide. The Chinese University of Hong Kong (CUHK) where he taught was no exception. In February 1973, an editorial titled "Who is Manipulating the Fate of CUHK" was published in *CUHK Student's Post*, furiously criticizing the university funding plan sponsored by the government: "The government's plan is about how to exercise colonial domination! The University's plans and activities are about how to practice enslaving education, raising slaves for the foreigners! The so-called objective view of the expert is about how to serve their homeland of Britain, neglecting the current status of Hong Kong." Writers of even more radical criticism pointed out that "inevitably, the colonialists will feed a bunch of so-called 'high-class Chinese,' who sell out the interests of the people, and are willing to assist the evil. In the eyes of the ordinary citizens, their political and social status is no doubt more 'superior' but, if measured by real political power, they are nothing. Except for a few who can

be re-used to decorate 'colonial democracy' and discuss the most trivial topics in the municipal administration, most of them are just obedient servants and followers of their colonialist masters."[11]

Undoubtedly remarks like this display the fiery passion common to young students, but their vehement comments highlight the theme of "colonial politics" and reflect the furious struggle of to dominate politics in the field of education. Ironically, after several famous schools were incorporated by the British government's efforts under the name "Chinese University of Hong Kong," this institution that proclaimed itself as the inheritor of traditional Chinese culture declared that English would be its medium of instruction and academic language (see Chap. 3). The reason why the colonial government kept launching new educational plans was to strengthen its elite "integration" system via education, the breeding ground of future elites. In 1978, the government announced a plan to reform the college system, trying to tempt the then She Yen College, Lingnan College and Hong Kong Baptist College to accept the British schooling model, offering the three colleges government funding and university status as bait. Lingnan and the Baptist College accepted and were upgraded as universities. Yet Dr. Hu Hung-lick and his wife Dr. Chung Chi-yung, who have devoted their lives to the founding and development of She Yen College, rejected the government's offers and adhered to the four-year system in line with the education system of the Mainland. Their insistence brought them more than ten years of hardship. It was not until almost a decade after Hong Kong's return to China, in 2006, that this "red college" of dubious status was finally promoted without fanfare to university status by the HKSAR government. Its history provides a glimpse of the colonial tradition embedded in Hong Kong's education and culture. The "one country, two systems" is not just a division of economic or political systems, but a division of ideologies, of languages, the medium of language, and of human hearts, as presented via ideologies and languages. When it comes down to it, what some of the Hong Kong intellectual elites identify themselves with inwardly is English and the entire western world as represented by that language. But the issue of English as a medium of instruction have tortured not only CUHK, but Hong Kong's education as a whole, causing it to be disorientated in the process of China's rise. The very root of Hong Kong's marginalization in economic integration, and eventually ideology and culture was its reluctance to identify with Putonghua and the academic circles formed around Putonghua. It seems that they are willing to remain at bottom of English educational world.

There is no doubt that the Hong Kong student movement of the 1970s was a political awakening of the Hong Kong Chinese, continuing the spirit of the 1967 anti-British protest (including the Cultural Revolution in the People's Republic). While the main participants in the latter were leftist workers and intellectuals having political or institutional connections with the mainland, the main force of the former

[11]Mao Lanyou, "General Summary of Student's Movement in Hong Kong," *The 70s*, August 1973.

were young students having only cultural and spiritual connections with the mainland. The important figures active in Hong Kong's political arena today, be it the pro-government Mr. Jasper Tsang, or the anti-government Mr. Leung Kwok-hung, are all children of the 1970s and, as the writer Mr. Wang Shuo puts it, "good students of Chairman Mao."

However, due to the colonial government's success in "administrative absorption of politics" especially the decline of the world communist movement since the 1980s, the issue on assessing the 1967 anti-British protest and the political awakening of the 1970s became a painful scar tearing up the inner world of Hong Kong people. In the discourse of Hong Kong's left wing, the movement was regarded as a fight against British rule, a great patriotic movement against imperialism and colonialism. However, in the discourse dominated by the British Hong Kong government and the integrated Hong Kong elites, it was defined as "political riot" or even "political terror." King used the term "political riot." Once the 1967 anti-British movement was defined as "political riot," it was easy to attribute the movement to social and economic causes (such as "communication failure"), or to external political dynamics (such as the Cultural Revolution in the Mainland). The dominant theme of these movements was thus cunningly concealed, which actually reflected the popular mindset of the mainstream elites brought up in the colony. It can also explain why Hong Kong and even the Mainland kept silent on the subject of the 1967 movement for many years. It seems there is a preference to skip such a heavy historical subject and enjoy the leisure of a globalized era.

So, for a real understanding of the political model "administrative absorption of politics" and of the significance of King's famous article, we cannot avoid the "political riot" of the 1967 anti-British movement and its fundamental influence over the ideological structure and the inner world of the Hong Kong people. Nor can we avoid an all-round evaluation of global history in the 20th century, or the history of human civilization.

At this historical juncture which marks the 10th anniversary of Hong Kong's return to China, and the 40th anniversary of the "political riot," is it necessary for us to expose the scar cut in the heart of the Chinese people? Do we have the ability to interpret the ideological code that lies beneath the scar?

Chapter 2
Silent Bitterness

2.1 I

During the negotiations between China and Britain over the venue of the handover ceremony, the British proposed to hold it at Central in an open playground so as to make all presence at the ceremony to witness the leaving of the last British warship, and to demonstrate Britain's "Exit with Glory." The Chinese proposed the new Wing of the Hong Kong Convention and Exhibition Centre as the venue. It is said that the overall shape of the building is designed to resemble a wild goose heading the North, symbolizing the return of Hong Kong to the Motherland. However, seen from the top of the Victoria Peak, the Centre looks more like a huge turtle, which seemed to indicate the reluctance of Hong Kong people to embrace their birth mother wholeheartedly. During the course of the negotiations, the Chinese side provided the British with the hydrologic survey and data for the previous 40 years, demonstrating that Hong Kong would be very likely to have heavy storms around July 1st, and that this was not the right season for the handover ceremony be to held in open air. When the ceremony was held at the Convention and Exhibition Centre, Hong Kong was indeed inundated with torrential rain. The Chinese, who believed in the Way of Heaven, would take it as the proof of the justice of Heaven, whose tears would wipe away the historic humiliation of the Chinese as a Nation. For the colonial Hong Kong as a symbol of the humiliation, it has always been a pain in the heart of the Nation.

Back in the early days of British invasions of China, there was debate in London over whether to put Hong Kong Island or Zhoushan Archipelago under colonial rule. From a military perspective, the latter would make a strategic containment of the Qing dynasty easier, thus completely subjugating the Qing government. However, from a commercial point of view, Hong Kong was a better choice for developing trade in Guangzhou. The choice went to Hong Kong, not simply because of lacking confidence in defeating the Qing, but more importantly, because the British government by nature was an "armed bodyguard" of the British

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S. Jiang, *China's Hong Kong*, China Academic Library,
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merchant. Therefore, Britain's occupation of Hong Kong was, in the first place, not as a colonial settlement, but for commercial trade and economic interests. Accordingly, unlike its colonization of North America, the British were not particularly interested in dividing up and taking up Chinese territory. After the Hong Kong Island which was considered as "a barren rock" being ceded in 1842, the British did not occupy Kowloon on the Mainland until more than a decade later. And almost 40 years were to pass before Britain obtained a lease on the New Territories in the wild global rush for the division of colonial spoils.

The initial aim of the British occupying Hong Kong was not to fully colonize the place because they realized that Hong Kong was part of the Mainland culturally and racially in every sense, thus would be very difficult to put colonial rule into practice. Consequently, this meant that when the residents of Kowloon and the New Territories violently resisted the British occupation, the British did not go all out on a policy of colonial slaughter but tolerated a certain degree of autonomy under the approach of "indirect rule." Therefore, although Hong Kong had the appearance of being a British colony, its history has always been part of the history of the Mainland. In the past few years, some Hong Kong scholars have attempted to construct an independent identity of the Hong Kong people through writing an independent history of Hong Kong, trying thereby to separate the Hong Kong people from the Mainlander. Nevertheless, this cannot compromise the historical fact that Hong Kong people have always been Chinese.

2.2 II

Ever since being ceded, Hong Kong has been a stepping stone for the spread of Western culture to the Mainland. For modern China, modern newspapers started in Hong Kong. During the Hundred Days' Reform of 1898 and the Revolution of 1911, Hong Kong served as a base for China's democratic revolution. Many important figures in modern Chinese history, among them Wang Tao, Liang Qichao and Sun Yat-sen, all had extensive historical connections with Hong Kong. As a Chinese window to the western world, Hong Kong was also a springboard for China to the West. Since the beginning of the Anti-Japanese War, Hong Kong, as anticipated, became a base from which both the Communist Party of China (CPC) and the Kuomintang (KMT) organized fundraising from overseas Chinese, lobbied for international aid, encouraged resistance to the Japanese invasion, and promoted their ideologies of nation building. In 1938, the Central Committee of the Communist Party of China (CCCPC) decided to set up an Eighth Route Army Hong Kong Office, which was under the direct command of the Southern Bureau, to undertake the following major tasks. The Office's primary task was to raise fund and material aid for the Eighth Route Army and the New Fourth Army. The second one was to organize various anti-Japanese forces in Hong Kong and make contact with the overseas Chinese, especially those living in Southeast Asia, so as to establish a united front and assist them to return to China. For example, the Office

worked with the Alliance for the Protection of China, which was formed by Madame Sun Yat-sen. It helped to establish the Hong Kong-Kowloon Independent Battalion of the Dongjiang Column too. Their work also extended to mobilize the cultural circles to join the anti-war efforts by forming the "Hong Kong Cultural Work Committee." Its third important task was to publish newspapers and magazines to promote the CPC's ideology and doctrines of fighting against the Japanese to safeguard the country, in an effort to win the support of overseas Chinese and centrist intellectuals in Mainland. In particular, as the CPC and KMT began their battle for political dominance after the defeat of Japan, Hong Kong became an important base for the CPC to break through the KMT's news blackout, and seek support from the outside world. In these circumstances, the CPC urgently needed to spread its ideas and political stance to the world, and to this end to utilize Hong Kong as a base from which to reach the KMT-controlled areas such as Guangzhou and Shanghai. Because of the uncertainty concerning the future China faced at this point, the British policy was one of "hedging its bets," seemly acknowledging the KMT regime, meanwhile turning a blind eye to the CPC's activities in Hong Kong. In 1947, on the eve of the Liberation, the Hong Kong branch of the Xinhua News Agency was set up formally, acting as an official agent of the CPC to organize the united front in Hong Kong. Helped by its clandestine arrangements, a great many leaders of the democratic parties and famous figures in cultural circles who fled to Hong Kong during the war time were arranged to travel to Beijing so as to participate in political consultations about constructing the new China. The work of Xinhua's Hong Kong branch made a historic contribution.

It was only natural that the CPC in Hong Kong turned to the working class for support. We must bear in mind that the Guangdong-Hong Kong General Strike of 1925 was led by Su Zhaozheng, a leader of workers' movement in the early days of the CPC. Hong Kong's capitalist and colonialist system also provided social breeding ground for the development of the Party. In 1948, Hong Kong workers established The Hong Kong Federation of Trade Unions (FTU). Subsequently, one after another, primary and middle schools for the children of union members were set up (the patriotic schools or the leftist schools as they are known in Hong Kong) one after another, such as the middle schools of Han Hwa, Pui Kiu and Heung To. These schools became not only organizational links and a talent pool for leftist political forces, but also an important venue for patriotic education.

Since the start of the anti-Japanese war the CPC mobilized effectively democrats and prominent cultural figures in Hong Kong and brought them into the united front. Hong Kong's cultural circle accordingly became an important force for the CPC to play its role. Against the backdrop of a world left-leaning ideological trend after the Second World War, the Hong Kong branch of Xinhua News Agency organized the working class on the one hand, and strengthened the cultural united front on the other. Hong Kong's leftist politic forces went from strength to strength.

Three left-wing film production companies Sun Luen, Great Wall and Feng Huang engaged quite a number of famous Hong Kong film stars and produced many films focusing on such themes as China's history, the accomplishments of the New China, class struggle, and national conflicts. They became a dispensable force

of the Hong Kong's film industry. The Great Wall film company produced more than 80 films in the Wong Fei Hung series, which had a huge impact on the Chinese in Hong Kong and in Southeast Asia.

Two papers published by the democratic parties, i.e., *Ta Kong Pao* and *Wen Wei Bo*, moved to Hong Kong after being suspended by the KMT, where they prospered under the leadership of the Xinhua Hong Kong branch, following the principle of the united front. These two papers also started up a number of neutralist papers like the *Hsin Wan Pao*, *Hong Kong Commercial Daily* and *Daily Sunshine*, which greatly increased the supplement section with the contents catering to Hong Kong taste such as horse racing, dog racing, martial arts genre, and erotic stories. The martial arts novels of Liang Yusheng and Louis Cha first appeared in the *Hsin Wan Pao,* followed by *Ta Kong Pao* and *Wen Wei Bo*, creating a whirlwind of the martial arts novel contest that sparked the genre of new martial arts novels in Hong Kong. Before the Cultural Revolution, the circulation of newspapers directed or influence by the Xinhua Hong Kong branch accounted for nearly two-thirds of the total. It can be said without exaggeration that the cultural hegemony of Hong Kong was in the hands of the left.

With the flight of the KMT from the Mainland to Taiwan and the enforcement of the policy of buying out capitalist industry and commerce in the Mainland, a great many KMT officials as well as capitalists from Shanghai, Zhejiang and Guangzhou fled to Hong Kong. Accompanying them inevitably was the irreconcilable class hatred between the KMT and the CPC.

As early as 1956, both parties were involved in violent conflicts over the celebration of the KMT's October 10th "National Day." The British Hong Kong government, of course, took measures to suppress the left. At that time, the Hong Kong Police, the criminal underworld and factory bosses were all in cahoots. Whenever there was a dispute, no matter how trivial, between workers and capitalist the factory bosses would immediately call the police to keep order. As a result, class conflicts were often entwined with racial conflict. The capitalists from Shanghai, Jiangsu, Zhejiang and Guangzhou brought with them the capital, technologies and human talents. Successive waves of illegal immigrants from the Mainland joined Hong Kong's pool of cheap labor. The economic sanctions imposed on China by the American-led western world after the Korean War turned Hong Kong into a secret channel into the Mainland for trade and smuggling. Furthermore, political chaos in Southeast Asia after the Second World War forced the Chinese there to move their capital to Hong Kong. All these factors working together propelled the rapid development of Hong Kong's economy since the beginning of the 1950s.

Because of the British Hong Kong government's "rule without governance" political policy and its *laissez-faire* economic policy, the gap between the rich and the poor as well as class conflicts became acute as never before. The increase of migrants from the Mainland made Hong Kong a refugee society from top to bottom. On top of this, under the policy that land was subject to common ownership but government auction, thousands of people became homeless. According to the government statistics, there were altogether about three million people without a

place to live in the 1970s. It is fair to say that Hong Kong in the 1960s has witnessed both class and racial conflicts being on the verge of eruption. Just at this historical conjuncture, the international situation took a turn for the worse. On the one hand, the world campaign against imperialism and colonialism, jointly initiated by China and the Soviet Union, thrived in places such as Indonesia, Malaysia, Vietnam and Thailand. On the other hand, in order to secure its political power in Southeast Asia and construct the First Island Chain to blockade China and the Soviet Union, the United States joined hands with Britain to crack down on the anti-colonialist movement launched by the communist parties in Southeast Asia. Hong Kong was at one and the same time a military base for the United States to march into Vietnam, but also a secret channel of contact with the Mainland for the Chinese of Southeast Asia and the CPC in Hong Kong. For example, it was via Hong Kong that Chen Ping, the legendary leader of the Indonesian Communist Party visited Beijing. Later, following the Sino-Soviet split, in an effort to counter the huge pressure from the two super-powers, the United States and the Soviet Union, Mao Zedong launched the Cultural Revolution against imperialism, colonialism and revisionism, which immediately spread via Hong Kong to Southeast Asia and to the world. Hong Kong was like a small boat buffeted amid the raging waters, facing the possibility of capsizing at any moment.

2.3 III

On April 4, 1966, the colonial government approved to increase the fare of star ferry harbor crossing by five cents, which triggered a series of disturbance, later namely 1966 riots. After the riots were quelled, the subsequent government enquiry acknowledged the nationalist feeling and dissatisfaction among young people that lay beneath this incident. However, the leftist camp in Hong Kong did not involve itself directly in the riots. It was guided by the Xinhua Hong Kong branch, which strictly complied with the Hong Kong policy laid down by China's Central Government, namely: "making full use of Hong Kong in the interest of long-term planning" and "not to strive for the liberation of Hong Kong for the moment." Nevertheless, as the Cultural Revolution swept through the mainland, the Red Guards managed to influence the left wing in Hong Kong through various channels. It was also affected by the "12-3 Incident" (3 December 1966) in Macao.

On December 3, 1966, a conflict broke out between the Portuguese Macao government and the masses. The government's oppression provoked a strike led by the leftist organizations. Responding positively to the calls for cooperation, Guangdong authorities suspended supplies of food and water to Macao, which forced the Portuguese Macao government to accept the demands of the leftist, and consequently turned Macao into a "semi-liberated area." The victory of the Macao left wing had a direct impact on their Hong Kong counterparts, who had been subject to constant suppression from the Hong Kong colonial government. Articles in the leftist newspapers in Hong Kong painted the Macao Incident as a

"great victory for Mao Zedong Thought," claiming that "the Portuguese colonists were cracked by two and a half quotations from Chairman Mao Zedong." It naturally stirred the fighting spirit of the Hong Kong leftists to stand up against the British Hong Kong government and the leftist organizations kept on sending people over to Macao in order to learn from them. Faced with this situation, Zhou Enlai gave this warning to the Xinhua Hong Kong branch via Liao Chengzhi that "Hong Kong could not copy the practice in the Mainland and the proletariat Cultural Revolution would not be launched in Hong Kong. A line must be drawn between the internal and the external matters. On the propaganda front, we cannot give Hong Kong compatriots an impression that the Great Proletarian Cultural Revolution would sweep across Hong Kong. We should not post big-character posters inside our party apparatus and enterprises in Hong Kong, nor should we organize mass allies. … We must avoid internal struggle in our party organizations and enterprises in Hong Kong because it would destroy our foundation and strategy in our works regarding Hong Kong."[1]

However, given the background of the Cultural Revolution, the radical leftists on the Mainland began to win the upper hand. In 1967, the Central Group of Foreign Affairs Office in charge of Hong Kong and Macao affairs was turned over by the revolutionary rebels, with Zhou Enlai's authority in foreign affairs restricted and Liao Chengzhi's power totally lost. In this situation, the radicals within the Hong Kong leftists began to take power and the long-term policy for Hong Kong and Macao established by the Central Government was effectively replaced by the radical line of "liberating Hong Kong."

In 1967, under the leadership of the leftist organizations, the individual strikes provoked by disputes between the capital and the labor in various places began to escalate and gradually came together. The FTU attached entirely new political importance to these strikes, holding that the oppression by the British demonstrated that "It occurred against the backdrop of US imperialism stepped up using Hong Kong as a military base to invade Vietnam, and the various anti-China activities organized by imperialism, revisionism and counter-revolution. The incident was obviously orchestrated by Hong Kong British authorities." "We are the Chinese workers in the great era of Mao Zedong and the people armed with Mao Zedong Thought are never scared of any kind of suppression. Our will to fight will never waver in the oppression by imperialism, the FTU's statement said"[2] The all-round intervention of the FTU completely changed the political nature of labour disputes in Hong Kong from class conflicts to racial conflicts, from a local issue contained in Hong Kong to a national issue concerning China's overall situation, further altering the labour dispute to a problem of relations between Chinese working class and western imperialism. The protest movement of the Hong Kong leftists therefore carried some particular significance in the world history. At that

[1]Cheung Ka-wei (2009) *Hong Kong Watershed: The 1967 Riots*, Hong Kong: Hong Kong University Press, p. 18.

[2]Ibid, p. 30.

time, the extreme rigidity of the British Hong Kong government left it no other ways of tackling these problems apart from for police oppression and the shows of naval force. Every suppression served only however to intensify existing conflicts and to strengthen the Hong Kong leftists' conviction that theirs was a righteous political struggle. Without any mechanism whatsoever for communication and compromise between the radical left and the hide-bound government, the conflicts could only be escalated.

The political protest movement of the Hong Kong leftists was constantly encouraged by the official and the public from the Mainland, and supported by the Red Guard movement across the country. On May 15, 1967, the Ministry of Foreign Affairs controlled by the Central Cultural Revolution Group summoned the agent for the British Chargé d'Affaires in China to express strong protest against the oppression imposed by the British Hong Kong government, declaring in a statement that "the Chinese government solemnly announces it firmly supports the courageous and righteous struggle of the Hong Kong compatriot together with the 700 million Chinese people, and will always be their powerful backup force." On that same day, the editorial of People's Daily also praised the Hong Kong leftists for "demonstrating the courage of the Chinese people as the good sons and daughters of the motherland, a success of the education of Mao Zedong thought." Under the support from the Mainland, the Hong Kong leftists established a "Hong Kong and Kowloon Anti-persecution Committee of Hong Kong and Kowloon against the British Hong Kong Government." Following the model of Mainland Red Guard Movement, the committee members held the little Red Book *Quotations of Chairman Mao Zedong*, wore the badges with the image of Chairman Mao on them, and launched an official all-around ideological and political struggle against the British Hong Kong government in forms of putting up big character posters and holding criticism and denouncement meetings. With the ever escalating conflict led by the oppression from the British Hong Kong government, People's Daily pointed out in its commentary on June 2 1967 that "The doomsday of British imperialism in Hong Kong is drawing closer as British persecution of our compatriots becomes more frantic. With the backing of 700 million of Chinese people, the Hong Kong compatriots must seek repayment of the bloody debts from British imperialism and sentenced it to death penalty. This historic day is bound to come." This commentary almost equaled to a call for the liberation of Hong Kong. People's Daily further pointed out in its next day's editorial that "In this struggle we shall mainly rely upon the Hong Kong working class as the main force of revolution. We should also fully mobilize youths and student movements merge with the workers' movement."[3] These two articles showed the direction of the protest movement for the Hong Kong leftists from the perspective of organization, ideology and objective. As a result, the Hong Kong leftists mistakenly thought the Central Government had already made the decision to liberate Hong Kong. At the same time, the leftist groups from all walks in the neighboring Guangdong Province expressed their

[3]Ibid, p. 59.

support for the Hong Kong counterparts in succession. A conflict had even broken out between mainland militia and Hong Kong police at the border dividing Shenzhen and Lo Wu. On top of this, the insurrectionists in Beijing created a diplomatic incident by "burning down Office of the British Chargé d'Affaires in China."

Such kind of cultural struggle led by the Hong Kong leftists didn't break down the British Hong Kong government. On the contrary, the British authorities acted in the name of restoring the rule of law and cracked down on the leftist movement through a series of emergency legislation, which further accelerated the conflicts. The Hong Kong leftists spared no effort to launch strikes by the workers, the students and the merchants in imitation of the Guangzhou-Hong Kong General Strike in 1925, so as to turn the harbor city into a "harbor of death and notoriety." As the oppression from the British Hong Kong government worsened, the leftist went from protest to radical "armed conflict" and "quick-firing public assembly," and so-called "combat against British atrocity." When the colonial government got the confirmation that Beijing had no intention to reclaim Hong Kong, it unleashed its full force to crash the left wing of Hong Kong, such as sealing up leftist newspapers, closing down leftist schools, and arresting a large amount of leftists. Hong Kong was under the cloud of white terror overnight. Faced with this deadlock, Zhou Enlai resumed leadership and summoned various leaders in Hong Kong to Beijing from November 1967 to January 1968 in an effort to correct the protest movement from going into too extreme and convey the instruction of Mao Zedong that "do not resort to force of arms." As a result, the 1967 Anti-British Protest Movement gradually died down. At that time, the Mainland was too occupied in coping with the chaos caused by the Cultural Revolution to look after the situation in Hong Kong, while the Xinhua Hong Kong branch was basically suspended from all activities. Without neither political back up from the Mainland, nor any more support from the Hong Kong people, under the suppression of the British Hong Kong government, the Hong Kong leftists had no other way out but to endure all the hails and rains of the seemingly endless 1970s in a lonely and isolated status.

2.4 IV

"The 1967 Anti-British Protest Movement" (or Hong Kong 1967 Riots) had brought disastrous impact on both the leftist camp in Hong Kong and Beijing, in whose aftermath the power and influence of the Hong Kong left dropped to bottom. With support from the British Hong Kong government, the Hong Kong capitalist sacked a huge number of the leftist workers, causing high unemployment among these workers and driving their families into poverty. The FTU and its pro-Mainland trade unions not only suffered losses of members, but also lost its political leadership, the power of cohesion and the ability of mobilization. Meanwhile, Hong Kong and foreign companies seized the opportunity to occupy the market when the students, merchants and workers went on strikes, driving a

large number of Mainland-invested companies and left-led companies out of businesses, and thus directly affecting the Mainland's ability to make foreign currency earnings. The Hong Kong leftists lost its influence on not only the grassroots, but also the cultural circles. Led by the ultra-leftist wing at Xinhua Hong Kong branch, all the newspapers joined the front line of "combat against British atrocity," and canceled all content labeled as "capitalist, feudalist, and revisionist," such as supplement section, the martial arts and horse racing page. This, together with the suppression from the British Hong Kong government, led to drastic reduction in their circulations. As a result, *Hong Kong Commercial Daily* was taken over, while *Daily Sunshine* had to stop publication. The few that survived, such as *Ta Kung Pao* and *Wen Wei Bo*, basically had no influence among the Hong Kong people, let alone any function of united front. Those newspapers that took the central line, such as *Ming Pao* and later *Oriental Daily* took the advantage to increase their market share. Apart from newspapers, the left-led movie companies and their cinemas also closed down one after another under the influence of the ultra-leftist trend in arts. Zhou Enlai's warning that "the resulting chaos (of a Cultural Revolution in Hong Kong) would destroy the well-built foundation and strategic arrangements achieved by our long-term efforts" became bleak reality.

Compared with the tangible loss of political power, a negative effect of a more profound nature was that the suppression of the British Hong Kong government over the 1967 Anti-British Protest Movement laid the foundation of the mentality of today's Hong Kong people. Since the beginning of modern times, although their land was ceded to the British, the Hong Kong people always identified themselves with China, and held the belief that sooner or later, Hong Kong would return to the motherland. That's why the Hong Kong people were even more patriotic than some of the Mainlanders, devoting their love and passion to mother China like those children scattered overseas. Although China had been fighting for a way out in a turbulent world, and Hong Kong people had been drifting around like rootless duckweed upon the waters, most of them gave support to China on its path to independence and emancipation without reservation. The Hong Kong entrepreneurs of the old generation, such as Henry Fok Ying-tung, took great risks to transport goods and materials in need to the Mainland, not out of business concerns, but driven by love for his motherland. When Mr. Fok passed away in 2006, he was referred to as an "intimate friend" by the CPC, won high praise from various parties in Hong Kong. The media even commented that his death "marked the end of an era." It demonstrated that the vigor and prospect of a new China enabled the Hong Kong leftists to obtain powerful political energy.

Later, although the Great Leap movement from 1958 to 1960 had driven large amount of Mainland refugees to flood into Hong Kong, and the Hong Kong residents in turn began to deliver parcels of food and clothes to their families and relatives in the Mainland, the majority of Hong Kong people brooded no hostility toward the mainlanders, but participated in, sympathized with or support the protest movement initiated by the Hong Kong leftists under the banner of "anti-colonialism." However, when the leftist movement gradually went to extremes, taking on the form of strikes and further accelerating into "quick-firing assembly,"

it naturally aroused the local citizens' resentment or even fear towards the leftists. As a result, the elite class and residents in Hong Kong turned their back to seek shelter from the British Hong Kong government, who accidentally got acknowledgment and support from the local citizens. The British authorities seized the rare opportunities of the 1967 Anti-British Protest Movement to conduct their project of "winning the hearts and minds."

The concept of "winning the hearts and minds" was an invention of General Templer, high commissioner of the British Empire in Malaya, during his suppression of anti-colonialist movement launched by the local communist party. It specifically referred to the employment of news and propaganda by the Empire and its colonist government in its "news management" which described the revolt and riot of the colonies as "terrorism" through various official channels of discourse in forms of news, report, speech and research, thus creating the "oxygen of terrorism," shaping public opinion, deepening the fear of the public towards anti-colonialist movement, so as to back the colonists' armed suppression and help stabilize the political order. This was a brand new political weapon of the British Empire after World War II in its suppression of the Zionist uprising in Palestinian areas (1944–1947), the political crisis in Malaya (1948–1965), the Mau Mau revolt in Kenya (1952–1960) and the EOKA movement in Cyprus.[4] The British Empire realized that the "cold war" was a war fighting for "ideological territory," and that the most important weapon of this war was ideas. During the process of winning the hearts and minds, at the level of political discourse, the British politicians succeeded in "binding" the "cold war" against communism with the suppression of revolutions in colonies, "binding" the communist ideologies with the national liberation movements against imperialism and colonialism, and thus damage, distort and demonize the anti-imperial and anti-colonialist movements by declaring communism as "terrorism" in propaganda. Only with knowledge of this background, can we understand why the book entitled *The Gulag Archipelago* won the applause of the west as well as the Nobel Prize for Literature. As a result, the relationship between the British Empire and Commonwealth and their colonies was painted as a relationship of mutual benefit, the Empire thus taking on the image of a benevolent ruler and an unwilling colonist. With the successful installment of such a political discourse, the theoretical foundation for the British Empire to maintain its colonies was also transformed from the racist tone of transmitting civilization in the 17th and 18th century and the Darwinist survival of the fittest theory in the 19th century to the argument of moral obligation in the 20th century. That's to say, the British Empire must undertake the moral responsibility to protect its subject of the colonies from the terrorist despotism of communism. Only with acknowledge of this background, can we begin to understand why such a concept as "the moral obligation to Hong Kong" often appeared in the vocabulary of the British authorities, from Mrs. Thatcher to Mr. Patten.

[4]Susan L. Carruthers, *Winning Hearts and Minds: British Governments, the Media and Colonial Counter-Insurgency (1944–1960)*, London and New York: Leicester University Press, 1995.

During its suppression of the leftist anti-British protest movement, the British Hong Kong government set up a specialized publicity committee, and established a Hong Kong Working Group back in Britain in charge of the work of propaganda. By ways of official document, media interview and news report, it systematically described the protest movement as "riots" and "terrorism," thus connecting certain concepts with each other in political discourse, such as "the leftist," "China," the "Cultural Revolution," the "Gulag Archipelago" and "terrorist regime of communism," forming a horrible political picture and creating a terrifying psychical effect.[5] Besides, the British Hong Kong government also listed the leftist newspapers and schools as its main targets in the suppression of the so-called "riots," with the same aim to completely deprive the left wing of their political discourse.

By the systematic implementing "winning the hearts and minds" program, the Hong Kong colonial government thoroughly altered the deep consciousness and the psychological structure of the Hong Kong people, leading to their extreme fear of "the leftist," "the Communist Party," "the Mainland" and "socialism." Such a kind of fear, together with the echo from the "hatred towards communism" of the KMT elites, the big capitalists and rightist intellectuals fleeting from the Mainland to Hong Kong, made "fear and hatred of communism" a common emotion among the Hong Kong citizens, which undoubtedly enhanced their psychological repellence against the return of Hong Kong to the motherland, and also increased the difficulty of its return. As Professor Ian Scott put it, "Ironically, in the light of communist objectives, the end-result of the disturbances was to increase the support for, and the legitimacy of, the existing order. Faced with a choice between communism of the Cultural Revolution variety and the, as yet, unreformed colonial capitalist state, most people chose to side with the devil they knew."[6] In the words of Lau Siu-kai, "The 1967 Riots deepened the fear and resentment of the Hong Kong citizen towards the CPC and the leftist, and damaged the relations between Hong Kong compatriots and the Chinese government. Their mistrust of the Chinese government has remained till today. Such kind of psychological inversion towards the Central Government has not only made the process of Hong Kong's return a winding course, but also made it more difficult for the Hong Kong people to establish a friendly relationship with Beijing."[7]

2.5 V

The tragedy of the anti-British "1967 Protest Movement" is undoubtedly part of the tragedy rising out of the "Cultural Revolution." It should be seen from the perspective of the worldwide anti-imperial and anti-colonist movements since the

[5]Liang Jiaquan et al., *The Mystery of the 1967 Riots*, Hong Kong: Economic Times Press, 2001.

[6]Ian Scott, *Political Change and the Crisis of Legitimacy in Hong Kong*, Hong Kong: Oxford University Press, 1989, p. 104.

[7]Cheung, Ka-wei (2000) "Preface" to *The Inside Story of Hong Kong 1967 Riots* (in Chinese).

World War II, the various political experiments to surpass capitalism since the 19th century, the moral basis of the revolutions in China and the third word claiming to "fight for justice for the poor," and the ethic pursuit of the Chinese revolutions to cultivate "new people for communism."

The Hong Kong leftists were always considered to have the noblest heart. They used to uphold the instructions of Chairman Mao as their moral guide, willing to giving a helping hand, putting public interest before their own need, and dedicated to public affairs without asking for any personal rewards. When Hong Kong became a "society of refugees" in the 1960s, the Hong Kong leftists spontaneously organized the Mainland compatriots to walk hand in hand to tide over the difficulties, and thus became the moral model for the Hong Kong society. It was this kind of virtue that backed the leftist people to put aside personal safety and self-interests and actively join in the anti-British protest movement without concerns for personal or family losses, as long as just course needed them. It was worth pointing out that they were not young people who had nothing to lose but enthusiasm, but workers, citizens and intellectuals who had families to support. When these people were arrested, they kept on heroic fighting in prison. The story of the Red Crag heroes (Red Crag, a novel by Luo Guangbin and Yang Yiyan, published in 1961, describing the struggles of the communists in Refuse Pit and Bai Mansion prisons during the Chinese Civil War between the KMT and the CPC—translator's note) repeated itself in the Stanley Prison in Hong Kong. However, with the systematic propaganda of "winning the hearts and minds" project under the British Hong Kong government, the image of the Hong Kong leftists was utterly demonized. Later, as Hong Kong's economy took off in the 1970s, the Mainland further denied the "Cultural Revolution." With the world turning to the Right, the kind of virtue represented by the Left was thoroughly denied by the profit-driven market ethnics, their political pursuits were regarded by the rightists from a most vulgar angle as mere individual fanaticism, ambition and evil, their struggle against British colonist rule was accordingly demonized as "riots." It seems the Hong Kong leftists have been abandoned by the whole world and the era they live in, whose existence could only be traced from two labels in the public discourse of today's Hong Kong —"lefty" and "the radical elder in Victoria Park" (the phrase refers to a group of senior citizens who denounce the speeches of the pro-democracy groups when the latter participate a weekly TV and Radio program called "City Forum" in Victoria Park—translator's note). And it is only with the knowledge of the particular history and culture of Hong Kong can we understand the moral insult and political derogation embodied in these two concepts.

As time passed on to the 1980s, the procedure of Hong Kong's return kicked off, and the focus of the Central Government's work on Hong Kong affairs was shifted to the unification of the industrial and commercial circles. With the return of Hong Kong reaffirmed, and the prospect of the Mainland's reforms and opening up unfolded, some business giant used to exclaim, "The new rich of Hong Kong will be those who are not afraid of its return to the Mainland." The business elites who used to "fear" or "resent" communism drew themselves to the Mainland one after another, and became deputies to the National People's Congress (NPC) or members

of the Chinese People's Political Consultative Conference (CPPCC) under the name of patriotic businessmen. However, in the eyes of the Hong Kong leftist, these "patriots overnight" were not committed patriots in a political sense, but merely showed their love towards the motherland out of commercial or political interests. As a result, an invisible tension was formed between the capitalist and the working class, the servile followers of the colonist and the patriots within the united front of Hong Kong's return to China, who used to be incompatible opposites during the 1967 anti-British Protest Movement. However, within the grand framework that advocated the "priority of the great course of Hong Kong's return to the motherland," and that "there was no newcomer in patriotism," the steadfast political beliefs of the traditional left, such as the national interest and the great course of the unification of the Chinese nation, had once again overcome their care for personal welfare and historical grievances, which led them to cooperate with the industrial and commercial circles to brace the wind and rain on the way of Hong Kong's return, and further coordinate with the British Hong Kong civil servants after the return of Hong Kong, who used to participate in the crack down on them. Over the decades, the Hong Kong leftist has shouldered both the burden of "riots" in Hong Kong and the burden of "Cultural Revolution" in the Mainland. Yet who is to pay the price for their unswerving patriotism? Who is to speak out for their dedication? The pathos of history has always been troubling the Hong Kong left wing, both as a knot on their closed hearts and a burden to keep them behind the times.

After the "Cultural Revolution," a nationwide discussion on the emancipation of mind went on in the Mainland, out of which came the consensus that "practice is the sole criterion for testing truth." With this came a fundamental revolution on the route, policies and guidelines of the Communist Party of China. Mao Zedong Thought evolved into Deng Xiaoping Theory, and further into "the Three Represents" and the Scientific Outlook on Development. The CPC has completed its transformation from a revolutionary political party to a ruling party during this process, raising the new object to construct the ruling ability and build harmonious society. It is this capacity to emancipate the mind, keep up with the times and realize self-renewal that enables the CPC to keep its status as the political core of China's elite class and lead the country's development. In comparison, the notion of "emancipating the mind" and "advancing with the times" came too late for the traditional Hong Kong leftists to affect the vested interests, complete the reconstructing of the interests or handover between generations. Moreover, the proposal to emancipate the mind or advance with the times eluded the reevaluation of historical events such as the 1967 anti-British Protest Movement. If the overall evaluation of the "Cultural Revolution" in the Mainland has resulted in the consensus to "look forward in solidarity," it is another story in Hong Kong on the evaluation of the 1967 Protest Movement, because during more than a decade's journey of its return to the motherland, Hong Kong was in the center of severe political differentiation, which has lasted after its return, forming a gap between the traditional leftist and the mainstream elite that is hard to bridge. Therefore, it has become a urgent task for the Hong Kong leftists to truly emancipate the mind, unload their historical burdens, renew internal mechanism of their organizations,

complete reshuffle of interests and turnover of power between generations as soon as possible, realize self-reform, become part of Hong Kong elite and undertake the political mission in the 2017 general election of Hong Kong's chief executive. As to the mainstream Hong Kong elite, whether or not they are able to identify with communist China and catch up with the pace of Mainland development largely depends on whether or not they will be able to understand the Hong Kong leftists and the 1967 anti-British Protest Movement in a larger picture.

However, the 1967 anti-British Protest Movement is indeed a Gordian knot in Hong Kong politics. The national conflict between China and the West, the class conflicts between the labor and the capitalist, the political difference between the left and the right, the difference in views between the elite and the public, and the difference in guidelines between the "Cultural Revolution" and the reforms and opening-up—all these conflicts and differences, when interwoven with each other, have formed knot of contradicting emotions "hard to cut clean or arrange in order." If we put it under a larger background of a-century-old cultural conflict between China and the West in the modern times, we will be able to see that both Hong Kong and the Mainland have been torn apart by all kinds of incompatible thoughts, sentiments and interests. It reflects both the internalized international war of the western developed countries transferred onto the developing countries and the painstaking struggle of the Chinese nation to find out a way in the fight for survival. As to our individual Chinese, every one of us must bear the fate of history on our shoulders, be it a tragedy or comedy, as they have already become an organic part of the rejuvenation of Chinese civilization. Today, faced with the fact of China's rise, we need to take a little time to face all the grudges and hates, old and new alike. We even need to learn to forget to some extent so as to let time heal the wound on the hearts.

There are two forces in the political dilemma of today's Hong Kong. On the one hand, the elite middle class (in legal services, education and other sectors) raised by the British Hong Kong government (or the West actually) refuse to identify with communist China or the Hong Kong leftists, and got lost in the constitutional order of the "one country, two systems" policy, and a world with a rising China. On the other hand, the traditional Hong Kong leftists are still trapped in the historical misunderstandings, unable to acknowledge the modern political system and its values established during British rule, or catch up with the pace of the emancipation of mind in the mainland, thus regarding the current mainstream elite with a resentful eye. However, we must recognize that the reconciliation of mind and the return of heart need time, patience, understanding and tolerance, just like the "one country, two systems" policy which embraces huge contradictions. After all, time is the biggest and the most powerful politics. In this sense, politics is an art of forgetting. As time passes by, many problems fade away, not necessarily because they've been solved, but rather because they've been forgotten. Such is the way time works that the issue of "de-colonization" was seldom mentioned at the 10th anniversary of Hong Kong's return (I only saw one article on the subject in *Ming Pao*, written by Dr. Ma Ka-fai), not to mention the 1967 anti-British Protest Movement. Yet we have to realize that behind such well-intentioned forgetfulness is "silent bitterness."

When tears, sour and bitter, blind my eyes,
I see the white veil, fluttering in breeze, over your head,
And your hands, in the hands of a stranger,
Closer you walk, in your eyes there is silent bitterness.
You still have my blessing, with my greatest sorrow.
And you will turn back never more.

This *Elegy* by Li Kuang (Cheng Kin Pak) swept the literary circles of Hong Kong in the 1960s. This is a poem on love, but seems to be able to express the heartfelt feeling of the leftist camp in Hong Kong better. However, doesn't the Hong Kong rightist camp share the similar patriotic pathos? Doesn't such pathos impact the Hong Kong politics from time to time? The Hong Kong right after the 1980s is just like the left since the 1960s, both resembling the resentful lover in the poem, who with all his "silent bitterness" feels the weight of "the greatest sorrow." If in this "great sorrow" there can be less solitary pride and hatred, more confidence in the nation's future, more responsibility to the country and more tolerance and forgiveness towards each other, then maybe the left and the right could look toward the nation's reconstruction of civilization, and be able to end the disputes, heal the wounds, and achieve forgiveness and reconciliation of the soul. In reality, the 1967 anti-British protest has never been redressed in Hong Kong, and many criminal laws of the British Hong Kong rule are still in effect. However, on the 1st of July 1999, during the second anniversary of Hong Kong's return, the name of Lee Chark-tim, leader of the 1967 protest and FTU chief, appeared on the list of the Great Bauhinia Medal winners issued by the then chief executive Tung Chee Hwa. Later, Tsang Tak-sing, who was put in prison by the colonial authorities during the 1967 Protest Movement, was appointed "Justice of the Peace" (JP). During the celebration of the 10th anniversary of Hong Kong's return in 2007, the Liaison Office of Central People's Government in the Hong Kong SAR (LOCPG) issued medals for the first time to the Hong Kong citizens in reward of their service to the city, while Tsang Tak-sing was again appointed as the head of Home Affairs Bureau of the SAR Government. Who can predict what kind of miracles may wait ahead in Hong Kong's future?

Chapter 3
The Walled City of Kowloon and the University of Hong Kong

3.1 I

In 1860, British and French allied troops sent by Queen Victoria and Emperor Napoleon forced their way into Beijing and burned the Yuan Ming Yuan (the Old Summer Palace) to ashes. The French writer Victor Hugo denounced this bitterly as an act of barbarism: "We Europeans are the civilized ones, and for us the Chinese are the barbarians. This is what civilization has done to barbarism. Before history, one of the two bandits will be called France; the other will be called England." Thirty years after this barbaric action, on 9 June 1898, the Chinese and British governments signed The Convention between Great Britain and China Respecting an Extension of Hong Kong Territory, which granted the British a 99-year lease of the New Territories, but which made it clear that within the city of Kowloon the Chinese officials stationed there should continue to exercise jurisdiction "except so far as may be inconsistent with the military requirements for the defense of Hong Kong." From then on, Kowloon Walled City remained as a territorial enclave under Chinese jurisdiction within colonized Hong Kong. Hence the two jurisdictions co-existed in the manner of each in the other.

The reason the Qing government kept Kowloon Walled City within its leased territory to Britain was related to Kowloon's history and its strategic position in the southern coastal defenses of the Qing Empire. Kowloon Walled City originated way back in the Song dynasty (960–1279), and its imperial military existence is documented in the Ming dynasty (1368–1644). By the Qing dynasty, it had become an important base to strengthen the southern coastal defenses and played a significant role in the Opium Wars. With the British acquisition of Hong Kong Island following the First Opium War, the City of Kowloon was constantly reinforced as a frontline against British expansion, and its city wall and fort barbette got strengthened. Later, during the period of peaceful co-existence between the two countries, the Walled City of Kowloon also served as an intelligence post for the Qing government. But above all, its paramount function was to intimidate and

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eliminate pirates. As Guangzhou was an essential trading port, linking the Qing Empire and the western world, it had long been the target where Chinese pirates attacked western merchant ships. In European history, it was the pirates who opened up the maritime world and ushered in the age of discovery. The venturing spirit laid the foundations of long-distance ocean trade, and opened up channels to the world for Britain, an empire based on maritime trade. In contrast, since Zheng He's seven voyages to the western seas between 1405 and 1433 for the Ming emperors, China's maritime trade had never been for the pursuit of commercial profit, but for the spread of civilization. Whether it was tea or chinaware, it represented a noble and elegant way of life. This is why, for a continental empire like Qing dynasty, pirates were no more than violators of its continental order, an intolerable presence, especially since the huge network of commercial trade was in the hands of the Qing government (for example, the well-known Thirteen Factories in Guangzhou, as authorized licensees to conduct foreign trade with westerners). If we say the British Empire had inherited the legacy of the European pirates, especially their spirit of exploration, adventure and plunder, which later turned to commercial adventures under the guise of civilization, then the continental Qing Empire, by its elimination of its pirates, was doomed to submit itself to the naval empire of Britain.

The Chinese armies of Kowloon Walled City had a wealth of experience in the elimination of pirates, and had defeated the famous pirate Cheung Po Tsai (1786–1822) back in 1809. Around the period of the Opium Wars, pirate activity became exceptionally rife along China's southern coast, the biggest names among then being Shap Ng-tsai with some 100 pirate junks and Chui A-poo, who owned 60. One most effective weapon used by the Qing government against the pirate was to deny them all land access. Once the pirates could no longer keep going without re-supplying they used a combination of the carrot and the stick. This was how Shap Ng-tsai was forced to surrender. Later, when Chui A-poo gave himself up to the Qing government, he was handed over to the British Hong Kong government for the killing of two British soldiers who harassed a Chinese woman in 1849. The British authorities prosecuted and sentenced Chui to life imprisonment, but he committed suicide in prison to avoid further humiliation. In his *Brief Record on the Defense against Pirates*, Ma Yuan included the stirring story of the chivalrous spirit which ended with the sentence "Loath to accept this shame, Chui hanged himself on the morning of April 2, while under guard in prison, to defend his honor." These few words encapsulated the spiritual world of Chinese pirates. Unlike European pirates who chased after profits, Chinese pirates kept alive the chivalrous spirit of the 108 heroes depicted in the novel *Water Margin*, who gathered at Mount Liang to rise against the Song government in the 12th century, an extraordinary character honed by the influence of Confucianism. The death of Chui marked the extinction of Chinese pirates and the beginning of the end of the Qing Empire. There is a wealth of material here for historians to write "The Biography of Chinese Pirates."

With the elimination of pirates came a brief period of peaceful co-existence between the Qing government and Britain. While there was no urgent need to worry about coastal defense, crisis did break out on the inland frontiers. As a continental

empire with an instinctive desire for more land, Tsarist Russia grabbed large swathes of territory from the Qing government via a series of unequal treaties. Eventually, following the bitter experience of signing a great many such treaties, the Qing government learned a modicum of self-preservation. In the past, Russia had launched large-scale migration to the Chinese border and a few years later had demanded territory on the basis of the Russian nationality of the settlers, thereby putting the Qing government at a disadvantage. Finally, the Qing authorities came up with a principle that "people belong to the land," namely residents belongs to the sovereignty over the place those people live. Thus, provided certain land was Chinese territory, its residents therefore were Chinese citizens, regardless of their origins. Conversely, the Chinese residing on Russian territory were classified as Russian citizens. This strategy had effectively checked Russia's attempt to expand territory by migration. The Qing invented some new methods too. For example, when the Liaodong Peninsula was leased to Russia, the Qing government kept the Jinzhou walled city under Chinese jurisdiction, their objective being to use this strongpoint as a symbol of Chinese sovereignty, so as to help ensure the return of leased territories on expiration of the lease. Naturally, this method was also applied in the lease of the New Territories, which reserved Chinese governance of the Kowloon City.

For all the pains the Qing government took to secure its sovereignty over the leased territories, the ultimate defense of sovereignty would always rest on a country's national strength. On 16 May1899, the British government claimed that the presence of the Chinese officials and a garrison within Kowloon Walled City was at odds with their military requirements for the defense of Hong Kong, and sent the Royal Welsh Fusiliers with hundreds of soldiers and Hong Kong Volunteers to attack the city. The Qing soldiers and civilians put up a fierce fight, but this was regarded as mere resistance from "an outraged but patriotic water buffalo." It took one day of intense fighting for the British troops to defeat the Qing soldiers and drive hundreds of civilians out of the City. On May 22, the Zongli Yamen (office in charge of foreign affairs of the Qing government) protested to the British Minister that Britain's military act violated Sino-British treaties, and demanded the British withdraw their troops out of the City. Not only did the British ignore the appeal by sending a garrison into the Walled City, but also on their own initiative passed a revised Royal Order in Council by the Privy Council, which would give British jurisdiction over the Walled City of Kowloon. The revised Royal Order in Council 1899 was published in the British Hong Kong government's Gazette. In the Order, the British unilaterally "declared" the whole leased territory to be part of the colony of Hong Kong, thus under permanent colonial rule. In 1900, on his way to Guangzhou to take office as Governor-General of Guangdong and Guangxi provinces, the eminent politician Li Hung Chang stopped in Hong Kong to negotiate with the governor over the sovereignty of the Kowloon City, but no agreement was achieved. However, around the time of the Revolution of 1911 that overthrew the

Qing Dynasty, the British government finally gave up their occupation of Kowloon Walled City of their own volition, but made off with the two city gates as the spoils of war and gave them to the British Museum. Thus, in unfathomable fashion, the Kowloon Walled City came back into Chinese hands.

Why did the British troops give up Kowloon Walled City? Why was the British willing to tolerate an enclave of Chinese governance within this region under colonial rule? Why did they, deaf to the protests of the Qing government, take Kowloon Walled City yet choose to leave it in Chinese hands at a time when the Qing government had collapsed, China was immersed in civil war and no one cared about Kowloon? It was only 40 years since the burning-down of the Yuan Ming Yuan, how could the British Empire transform from a ruthless robber into a courteous gentleman? Baffled by these questions, I have delved extensively into historical materials but have not found a definitive answer. However, the voluntary retreat of the British Hong Kong government from Kowloon Walled City took place during the governorship of Frederick Lugard. He was the most far-sighted politician of all governors to the British colonies, author of works on the essence of colonial administration and the founder of Hong Kong University around the time when the British Hong Kong authorities withdrew from Kowloon Walled City.

3.2 II

Since the British occupied Hong Kong in early 1841, the British government had only used it as a trading and military base to obtain wealth from China via commerce and trade. They had no intention of truly governing the island, and so took no interest in advancing its education. Some limited educational initiatives came from missionaries, hoping to evangelize through education. However, as the sun went down on the 19th century and rose on the 20th, as the late Qing government swayed and tottered amid the stormy tide of western powers tearing off pieces of China for themselves, western politicians began to ponder over the same question—who will grab the dominant power over China? In 1905, the Qing government abolished the imperial examination system, a decision that would have a far-reaching impact on China. It meant not only the ruling class lost its channel for absorbing the elite of the society, but also lost a mechanism of handing down Chinese culture and civilization. Western politicians knew very well that whoever got hold of China's education controlled its elites, and that whoever controlled China's elites would dominate China. In this aspect, Japan had a head start, especially since its victory in the Sino-Japanese War between 1894 and 1895. Japan's rapid rise became a model for the less developed countries, particularly for China. China thus witnessed a large inflow of Japanese into Beijing, Tianjin and the Northeast to set up new western-style schools. Their focus was on educating and shaping the Chinese political elites, and so the first few institutions to be launched were related to the

areas of legal, military and police studies and training. Japan's ambition to swallow China rang alarm bells to the Americans, and led to the founding of Tsinghua University by the American government, using part of the Boxer Rebellion Indemnity to finance it. Nowadays, at the mention of Tsinghua University we feel gratitude for American philanthropy when the money actually came from the Chinese people, not to mention the hidden agenda behind this American "gift."

Faced with the ambitions of new powers such as Japan and America, the more seasoned British Empire, although apparently rather dilatory and heel dragging, certainly understood well the importance of education. On 15 December 1905, the *China Mail* carried an editorial under the headline "An Imperial University for Hong Kong." It summed up the changes in the political landscape since China was forced to open its door to the western countries towards the end of the 1890s, and compared the waxing and waning of Japanese and British power over China. It then pointed out:

> Japan is wise enough to see that money used for the spread of Japanese influence and ideas through China is not thrown away, but is really a counterpart of the bread cast upon the waters. Long before the war, and even during its progress, Japan has been spreading her missionaries of civilization far and wide through China, and now that peace is once more restored their numbers will naturally be largely increased. But what, it may be asked, is the method upon which such missionary work is based? The corner-stone and essential of the method is education upon modern lines. Japanese teachers abound in China – in Peking they hold the predominant position in school and university training. … In contrast with this let us consider what the British Empire is doing in the same direction. … [B]ut there is an absence of a general system, of a definite working toward an end… What is needed is a regularly established system of higher education in Hong Kong – or in other words, a University. … But a university established in Hong Kong would rank as an Imperial asset and any public money spent on it would be to the full as well spent as far as the prosperity of the Empire is concerned …

Three days later, another *China Mail*'s editorial banged the drum for establishing an imperial University at Hong Kong as a "national investment" that "a University is advisable because—Imperial propagandist work finds its most fertile field in the minds," and that a university could be a cradle of "little Englishmen"—in other words a comprador class—who identified with British mindset and culture. Undoubtedly, such an approach encouraged Lugard. Soon after taking up the governorship in 1907, he began looking for his chance to set up a university of Hong Kong, and obtained some support from the big British merchants in Hong Kong. The Swire Group, its fortune built on opium trade, was a willing donor. J. H. Scott, the senior partner of then John Swire & Sons, wrote in a letter that "This project will raise and train suitable Chinese … on the other hand, a British university in central China might fall into control of local officials … the project in Hong Kong should get powerful support from all the trade related companies and merchants in Britain."

With the support from British financial groups and from Chinese capitalists who wanted to bridge China and the west, Lugard's wish came to fruition. In 1911, at the foundation stone laying ceremony of the University of Hong Kong, he made the following proud announcement:

> So long as it stands for imperial justice, so long as its aim is to raise and to educate the peoples who are subjects of our King, or who are contiguous to his boundaries, for so long will it prosper and no longer. … that history will record of it that it was founded on something higher than territorial conquest or national aggrandisement, …[1]

The following year, at the opening ceremony of the University of Hong Kong (HKU), he further conveyed his high expectations of the Hong Kong University:

> When the historian of the next century reviews the progress of the Eastern world it may be that he shall point to this Colony of Hong Kong – a mere speck on the map – as the centre from which emanated an influence which profoundly affected a nation numbering one-fourth of the population of the world.[2]

Lugard expounded the two missions of the university. First was "to assist China" so that Chinese students wishing to pursue western knowledge would not have to expose to "long exile and the risk of denationlisation" by going to Europe and America. Second was to bridge Chinese and western cultures. Compared with this speech, the first one was made to the British donors, and thus openly propagated the imperial thinking and imperial imagination. The second one was made to the university's professors and students; accordingly, high-sounding notes such as cultural communication were obligatory. Nonetheless, Lugard's second speech still carried the meaning that "I doubt if there is a man or woman of those present here today, who realizes to its full extent the enormous importance of the task to which we are putting our hands or the far-reaching effect it may and will have on the future of China, and on the relations between the East and the West—particularly between Great Britain and the Chinese nation."

However, things did not go according to the plan. In the very year that The University of Hong Kong was established, the foundations of a republican political system were starting to be laid in the Mainland. The bourgeois-led democratic revolution of 1911 that overthrew the Qing Dynasty was followed in 1919 by the anti-imperialist May Fourth Movement. China's national and democratic revolutions took place at the same time, fueled by anti-British and anti-imperialist campaigns, bankrupting HKU's mission to "assist China." Faced with this situation, the then HKU President Sir William Hornell pointed out in a letter to the Hong Kong General Chamber of Commerce, "If Britain is to improve its position in China, it must learn about China through its culture. We must have one university in China to study the country and everything about it … if the University of Hong Kong cannot undertake this mission, it would be better to close it down." From then on, the University became a base for the British to study and learn about China. In 1927, the Chinese Department, which was also known as the School of Chinese Studies, was formally founded within HKU. However, its main object, apart from studying China, was to use the tools of Chinese classics and Confucianism to water

[1] *Miscellaneous Documents*, no. 165, *Hongkong University: Objects, History, Present Position, and Prospects*, Appendix III, Lugard's "Speech at the Ceremony of Laying the Foundation Stone," 16 March 1910.

[2] *Ibid,* Appendix VII.

down the rise of Chinese nationalism which had been spurred by the New Culture Movement and the May Fourth Movement. With the eruption of the Civil War on the Mainland and later the collapse of the KMT regime, the British Empire realized that it no longer made sense to use the university as a base for cultural expansion into China. Around the same time, Hong Kong's economy began to take off, and HKU underwent a mission shift to "serve the Hong Kong society." An imperialist university originally targeting an entire country literally did become a "university of Hong Kong." However, what did not change was the British Empire's colonizing mission. In 1950, a report by B. Mouat Jones and W. Adams raised the point that the aim of the colonial universities in the Far East was to educate local talents for the colonial governments. The University of Hong Kong and the University of Malaya "are centres of exceptionally successful race relationships; they are educating young men and women who will play leading parts in the public life of their communities and possible in winder spheres."[3] And indeed it was through the cultivation and education of the University of Hong Kong that the local Chinese of Hong Kong became Anglicized, subscribers to British ways of thinking and values. As famously said by Lord Macaulay, who promoted English as the medium of education and administration in India, "We must at present do our best to form a class who may be interpreters between us and the millions who we govern,—a class of persons Indian in blood and colour, but English in tastes, in opinions, in morals and in intellect." And such was the political function of the University of Hong Kong. Only Chinese elites educated like this could participate in colonial rule through the means of the "administrative absorption of politics," become part of the ruling elite, and enjoy "exceptionally successful race relationships."

3.3 III

Due to its colonial nature, Hong Kong's language-in-education policy inclined to suppress Chinese vernacular and advocate English language as the medium for education. Whether to conduct education in Chinese or English was not a technical issue concerning the language of the business world, but an issue of who possessed cultural dominance, the Chinese or the British. This also concerns the fundamental issue of the ownership of Hong Kong sovereignty, because language is the home of the mind, the most important tool for building the world of the spirit and the meaning of life. Such issues became more acute after 1949. With the founding of the People's Republic of China, as Marxism became the new orthodoxy, many traditional intellectuals such as Chien Mu and Tang Chun-i poured into Hong Kong. Bearing in mind the mission to "call back the spirit of the old country,"

[3]Jones, Bernard Mouat (1950) *Visit to University of Hong Kong, April 1950: Report by B. Mouat Jones and W. Adams*, London: Inter-University Council for Higher Education in the Colonies, pp. 7–8.

they used Hong Kong as a base to preserve the lifeblood of Chinese culture. In 1949, they created the New Asia College, and many similar institutes followed, among them were the Chung Chi College, the United College of Hong Kong, Xiangjiang College, Chu Hai College, and the Baptist College. They also developed an idea of establishing a university in which classes were taught in Chinese. This very idea stirred a debate about the merits of English language versus Chinese language universities. A British professor in the department of education at HKU wrote an article arguing that Hong Kong had no need of another university in addition to HKU, therefore opposing a university using Chinese language as educational medium. His observations provoked immediate criticism from several Chinese colleges in Hong Kong. Chien Mu, together with other intellectuals, wrote newspaper articles in rebuttal, arguing the case for Hong Kong having its own Chinese university, due to its central position in the education of Chinese culture and its leadership of cultures in Southeast Asia. In 1958, a group of authors including Carsun Chang, Tang Chun-i, Mou Tsung-san and Hsu Fo-kuan published a joint essay entitled "A Manifesto for a Re-appraisal of Sinology and Reconstruction of Chinese Culture," giving a full exposition of their thoughts on a Confucian revival.

Faced with the demand for Chinese education, the British Hong Kong Government suppressed its development from the outset by controls over finance and certificate accreditation. Not only did they refuse financial support for Chinese education, they also refused to accredit the qualifications and academic degrees of the Chinese schools. At the same time, they began vigorously to reinforce English education in primary and secondary schools. However, it soon dawned on the government that instilling traditional Chinese culture not only helped develop a sense of obedience among the Hong Kong Chinese, but more importantly, it could isolate the Hong Kong people from the Marxist culture of the Mainland, and thus became a cultural weapon against the mainland's political influence. It was for this reason that the colonial Government, having initially rejected Chien Mu and his counterparts' application for financial support, later became an advocate of the merger of New Asia College with several other Chinese colleges to form the Chinese University of Hong Kong (CUHK). On 17 October 1963, the New Asia College was officially merged with the Chung Chi College and the United College to form the Chinese University of Hong Kong. At Chien Mu's insistence, the university's name was rendered in Chinese characters that made it clear that the medium of instruction was Chinese, demonstrating the intention to perpetuate the lifeblood of traditional Chinese culture through the Chinese language. However, the reason for the British Hong Kong Government's support of the new university was not to rejuvenate traditional Chinese culture in Hong Kong, but to control Chinese culture. As the result of government machinations, English eventually became the language of instruction of the CUHK. From then on, the "Hong Kong university teaching in Chinese language" became a "Hong Kong university teaching local Chinese students with English," nothing more than a second HKU. Perhaps this accounts for Chien Mu resigning as Dean of the School of Arts just

two years after the CUHK's founding. He left for Taiwan, giving no explanation for abandoning the university to which he had devoted himself.

To some extent, the tragedy of the CUHK reflected the tragedy of the New Confucians. They attempted to develop Confucian teachings as the Theory of Mind and Nature alone the line of cultural traditions of the west, particular those of liberalism, so as to create a bridge between Confucianism and the world. Accordingly, they regarded Marxism and New China as their political adversary, and tried to preserve and champion Confucian teachings in Taiwan and Hong Kong. Such an approach itself consigned to oblivion the civilizing character and political nature of Confucianism, a character that must have a powerful political entity in order to be expressed. Just like what Protestantism was to British and American empires, Eastern Orthodoxy to Russia-USSR empire, and Catholicism to an imagined Latin Empire, Confucianism without the political entity of the Chinese mainland could only wither on the vine. The political nature of Confucianism manifested itself in different forms of awareness of the issues, with the fundamental aim of defending the legitimacy of the political entity that demonstrated the characteristics of Chinese civilization. Thus, the development of Confucianism was not only a question of how New China should absorb Confucianism, but most importantly, a question of how Confucianism should reflect and absorb New China, Marxism and their modernity. Here lay the difference between the new and traditional Confucianism. For Hong Kong at that time, the political nature of Confucianism lay in the dispute between Chinese and English education over cultural dominance. Confucianism was connected with the life of the Chinese people via the Chinese language, whereas Hong Kong education by its very nature wanted to eliminate the language completely. It was because they ignored the political nature of Confucianism that the New Confucians lost their critical ability in the face of colonialist education dominated by the English language and promoted by the colonial Government. And CUHK became a tool of that government in resisting the political and cultural power of the Chinese mainland. In some sense, New Confucianism, in its development from the second period to the third had basically lost its cognitive awareness of the opposition between Chinese and western cultures in the modern age, had become blinded by the ideological war between liberalism and Marxism, and thus ignored the crash of civilizations ongoing throughout the 20th century.

Although the efforts of the New Confucians to develop Confucian education among the Hong Kong elite failed, Chinese education was promoted far and fast among the patriotic schools run by the grassroots of the Left. With the spread of the Mao Zedong thought and the spirit of the Cultural Revolution, the younger generation of Hong Kong college students conducted profound criticism of the colonial nature of education in Hong Kong, and started a campaign, encouraging the youth to "Known the Motherland, Caring for the Society." Both the pro-communist camp and the one inimical to New China helped raise Hong Kong society's identification with the Chinese language, and promoted the campaign in the 1970s to establish Chinese as an official language. This forced the Hong Kong Government to list both Chinese and English as official languages, and laid the political foundation for the

development of Confucianism. All these formed the basic pattern of the cultural conflict prior to Hong Kong's return.

The development from the HKU to the CUHK clearly illustrates that the changes in China's situation from the late 19th to the early 20th century had led to fundamental changes in the British Empire's governing strategy for Hong Kong, which switched from military and economic rule to economic and cultural rule. The institutional essence behind this switch was something summed up by Lugard as "indirect rule." The nub of this was to cultivate Anglicized local elites ("little Englishmen") and the most effective way to make the Chinese elite accept and identify with British or western civilization was to shape these civilizations as superior and Chinese civilization as inferior, and to belittle the Chinese race as inferior or savage. It is here that one finds the fundamental cognitive problem in Chinese-Western cultural conflict since the modern age.

3.4 IV

> There was, in a corner of the world, a wonder of the world; this wonder was called the Summer Palace. Art has two principles, the Idea, which produces European art, and the Chimera, which produces oriental art. The Summer Palace was to chimerical art what the Parthenon is to ideal art. All that can be begotten of the imagination of an almost extra-human people was there. It was not a single, unique work like the Parthenon. It was a kind of enormous model of the chimera, if the chimera can have a model. Imagine some inexpressible construction, something like a lunar building, and you will have the Summer Palace. Build a dream with marble, jade, bronze and porcelain, frame it with cedar wood, cover it with precious stones, drape it with silk, make it here a sanctuary, there a harem, elsewhere a citadel, put gods there, and monsters, varnish it, enamel it, gild it, paint it, have architects who are poets build the thousand and one dreams of the thousand and one nights, add gardens, basins, gushing water and foam, swans, ibis, peacocks, suppose in a word a sort of dazzling cavern of human fantasy with the face of a temple and palace, such was this building. … If people did not see it they imagined it. It was a kind of tremendous unknown masterpiece, glimpsed from the distance in a kind of twilight, like a silhouette of the civilization of Asia on the horizon of the civilization of Europe.

This was how the pen of Victor Hugo depicted the Yuan Ming Yuan, the Imperial Garden. This kind of description was a 19th century continuation of western intellectuals' yearning for the civilization of the Orient since the Enlightenment of the 18th century. If China was the only exception to the overall pattern of western civilization conquering local civilizations in its colonies, this was due in part to the severe resistance encountered, but also because the glory of Chinese civilization was not inferior to that of the west, and even outshone it in some aspects. Thus, how to elevate western civilization and belittle Chinese civilization became an underlying theme in western modernity. Even if we put aside the ideological propaganda image of the Oriental as the "Yellow Peril," Enlightenment thinkers such as Montesquieu, John Locke, Adam Smith and Hegel, still construed Chinese civilization as an opposition to western civilization, appearing as autocratic, barbaric, underdeveloped and closed, in stark contrast to the modern and

civilized image of the west. Undoubtedly, the British Empire was ready and willing to take on the mission of preaching western civilization in China. In this sense, the establishment of a colonial university to advocate western civilization was nothing other than an open political education on the part of the Empire. However, regarding the political mission of the British Empire, I suspect there was other covert and insidious political indoctrination apart from these uncovered teachings. For example, in the political games of the British Hong Kong Government, the function of the Special Branch was widely known, but what were the roles of the Hong Kong Club and the Hong Kong Jockey Club? What did it mean for the Hong Kong Chinese elite to frequently visit these places? What were the requirements to be qualified as a member? Why was the British Hong Kong Government so insistent on training up Chinese female civil servants? How were such considerations linked with British politics? What was the hidden political agenda behind the British Hong Kong Government's training and promoting of Chinese civil servants? All of such issues were the real nuts and bolts of Hong Kong politics and the Empire's colonial regime. It was a form of hidden political education that you had to be an insider to understand.

I suspect that the Kowloon Walled City was a part this education. Around the time when the University of Hong Kong was established, British troops voluntarily pulled out of the City, ending their many years' occupation and returning it to Chinese rule. At that time, beset by revolutions and civil wars, no mainland authorities had time for the Kowloon Walled city. And the entire city, its street signs and customs still in the style of the Qing dynasty, seemed to serve as a living sample of the traditional China. However, since Kowloon Walled City had become a legal no-man's-land, the local underworld lost no time in moving in, and it became a magnet for vice, gambling and drugs. In short, everything abhorrent to human moral beliefs existed here quite legally. As a result, Hong Kong society gave rise to two distinct lifestyles, one exemplified by the two universities presenting the noblest side of human civilization, the other exemplified by the Kowloon Walled City presenting the most decadent aspect. Faced with this stark contrast of two living examples of different civilizations set up by the Hong Kong government, surely it was as plain as a pikestaff to Hong Kong Chinese which civilization they should choose. Against this broad background, the Confucian revival pursued by the New Confucians finally drew distant from the real political life of the Chinese, and became a mere cultural decoration on the University of Hong Kong, Chinese University of Hong Kong, and British and American universities, an ornament of cultural diversity flaunted by the western civilization.

Thus, seen in terms of their effects in cultural conquest, Kowloon Walled City played as important a role as the University of Hong Kong. We cannot help but be reminded of the special political impact of the burning of the Yuan Ming Yuan Imperial Garden. The fire's destruction did not stop at the precious pieces of art. It also destroyed western admiration for Chinese civilization, and the confidence and self-respect that the Chinese people previously held toward their own cultural traditions. Without Victor Hugo's words, who could imagine the height of the Imperial Garden among human achievements in culture and art, or what kind of

cultural glories our ancestors used to create? However, in today's popular context, mention Notre Dame de Paris or Buckingham Palace in London, and we rate them among the most awesome artistic achievements of mankind, whereas the Great Wall of China, the Forbidden City and the Summer Palace we tend to class as the results of hard labor or extravagant royal life under a monarchy. From this point of view, the burning of the Imperial Garden at least got rid of one piece of evidence of imperial exploitation of its people's flesh and blood.

The power of politics lies in culture, the power of culture lies in the people's hearts, and where the people's heart aligns itself depends on education. Thus, education is a highest realm of political art, a powerful strategy for "victory without combat." In my view, Lee Kuan Yew, the Chinese politician cultivated by the British Empire, was a true inheritor of imperial politics. Whereas Hong Kong established Cantonese as its mother tongue, full form Chinese characters as standard Chinese as opposed to the simplified form, and vertical layout as the advocated book format, Lee Kuan Yew successfully promoted the use of mandarin Chinese and simplified characters in Singapore, because he was already looking beyond the past of Chinese civilization and into its future. I've never been to Singapore, but I hear there is a unique town named "Little India" there, and I cannot help but think of the Kowloon Walled City in Hong Kong.

Chapter 4
The Art of Empire

4.1 I

The 19th century, dubbed "The Age of Empire" by the Marxist historian Eric Hobsbawm, was a time when western capitalist powers established colonies around the world, and the British Empire came to symbolize the 19th century geopolitics. However, two world wars in the 20th century destroyed this world political system and generated a new world order which was dominated by two superpowers, the United States and the Soviet Union. Winston Churchill, one of the outstanding imperial politicians, played an important role in shaping this new order. Whereas America, when faced with international political issues, always hovered back and forth between the idealism of Thomas Wilson and the realism of Theodore Roosevelt, or between Wilson's cosmopolitanism and John Adams' isolationism. For British politicians, naked utilitarianism and callous realism were their one and only political tradition, as they put the benefit of their country (in particular their long-term benefits) as the paramount political pursuit at all times. After the Second World War, Churchill already realized the inevitable decline of the British Empire. All he could do was to delay the speed and process of this trend, whilst protecting their imperial interests as much as possible. In this sense, Churchill's master stroke was not suppressing Indian independence or refusing to return Hong Kong to China, but delivering his famous "Iron Curtain Speech" in 1946. The purpose of this speech was to disrupt the possible cooperative relation between the Soviet Union and the United States forming since the Yalta Conference, thus forging a "Cold War" situation and forcing the new world power America into alliance with Britain. By so doing, the British Empire could take advantage of the United States' confrontation with the Soviet Union to suppress the anti-colonial liberation movements then rising, and exploit American power to safeguard the British Empire from a total collapse. To this end, Churchill was successful.

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However, the anti-colonial movements sweeping through colonies in the 1960s and 1970s turned the global situation in favor of the Soviet Union rather than the US and the UK. The epochal failure of the British and the French armies in 1956 to prevent Egypt from taking over the Suez Canal marked the beginning of the fall of the British Empire, as the Canal had been the military and commercial channel for maintaining its presence in the Far East. With this, the British Empire began its long decline into the so-called the age of decolonization. Colonialism as a global political system began to fade away from the world stage. In 1966, the British Colonial Office was officially abolished and its staff were merged with the Commonwealth Office. Finally, in 1968 Britain combined the responsibility for all the external relations in the single Foreign and Commonwealth Office, in charge of the preparation and strategy of the withdrawal from its colonies.

4.2 II

When talking about empire, people's thoughts often go to the Roman Empire. As an empire that shaped European civilization, its decline can be compared to a long and spectacular sunset. By contrast, the decline of this 19th-century British Empire where "the sun never sets," seems somewhat dreary. To a great extent, this difference lies in the totally different nature of the two empires. As a continental empire, the Roman Empire was hugely influenced by ancient Greek, Christian and Oriental Arab civilizations, and thus became a powerful architect of the modern western civilization. All important modern political concepts, such as republic, sovereignty, mixed constitution, natural law and law of nations, have their origins in the Roman Empire. In contrast, the driving force behind the formation of the British Empire was not the power of civilization, but that of commerce and capitalism. From the day of its emergence, capitalist commerce carried a British stamp, namely, the nature of a maritime power. Later, after the 16th century, the contrast realities between the continental countries and the maritime countries further urged European thinkers to form political thoughts by making comparisons between feudalism and capitalism, autocratic monarchy and constitutionalism as well as rationalism and empiricism.

If we say the impulse for continental empire came from personal glory of monarchs, then the impulse for maritime empire had its source in commerce of profit-driven capitalists. Therefore, islands functioned as hubs with which the maritime countries constructed their empires. As Alfred Thayer Mahan pointed out in his famous work *The Influence of Sea Power upon History: 1660–1783*, the core elements of sea power were production, commerce and colonization. And these were connected via the navy and the islands. Thus, one of the sea power strategies of the British Empire was, in times of peace, to occupy a number of islands, seemingly unimportant but of high commercial value, as these islands served as transit stations for trade with the continents. Perhaps because of this maritime power mindset, the British Empire had little experience in managing the British

North America, the continental colony "obtained by chance." Initially, Britain did not involve itself in the affairs of its colonies there other than in control of commerce. Later, to help finance its wars, it began increasing taxes, a process that once started could not be stopped, and thereby, by their mercantile logic turned the colony into a ready source of money. But it was the heavy taxation that led to the independence of the British North America and the defeat of the first British Empire. Nevertheless, British thinker Edmund Burke had already demonstrated the mindset of the maritime empire in his three speeches on Britain's policies towards North America, namely, "On American Taxation," "On Conciliation with the Colonies," "A Letter to the Sheriffs of Bristol." Instead of direct rule, Britain relied on the legal connection of a constitutional system to grant its colonial subjects the right of liberty in exchange for commercial interests, plus their identification with and loyalty towards the Empire.

> For that service, for all service, whether of Revenue, Trade, or Empire, my trust is in her interest in the British Constitution. My hold of the Colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the Colonies always keep the idea of their civil rights associated with your Government – they will cling and grapple to you, and no force under Heaven will be of power to tear them from their allegiance. But let it be once understood that your Government may be one thing and their privileges another; that these two things may exist without any mutual relation the cement is gone, the cohesion is loosened, and everything hastens to decay and dissolution. … Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the Empire. Do not entertain so weak an imagination as that your Registers and your Bonds, your Affidavits and your Sufferances, your Cockets and your Clearances, are what form the great securities of your commerce. Do not dream that your Letters of Office and your Instructions and your Suspending Clauses are the things that hold together the great contexture of the mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English Constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, that vivifies every part of the Empire, even down to the minutest member.[1]

As a Roman maxim goes that "law is the art of empire," and it was the Roman Law that later shaped the legal traditions of the entire European continent. However, this law, namely the Roman Law, in the sense of the Roman Empire is fundamentally different from the kind of law, namely the British Constitution, of Burke's understanding. The law of the Roman Empire is applied to direct governance, thus closely related to military dominance and bureaucratic administration. The significance of the British Constitution, in Burke's view, lay in the construction of a cultural community via a spiritual power, behind which lay the question of how to strengthen commercial and cultural ties. According to Burke, the foundation of such a spiritual power or cultural identification was the sacred mission of the Protestants as God's chosen. "A great Empire and little minds go ill together….

[1] *American Archives: Fourth Series* (1837), Washington: M. St. Clair Clark and Peter Force, p. 1775.

We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious Empire, and have made the most extensive, and the only honorable conquests … Let us get an American Revenue as we have got an American Empire."[2]

Unfortunately, King George III did not adopt Burke's empire strategy, and which resulted in the ultimate independence of the British North America and the dissolution of the first British Empire. Maybe it was due to the lesson drawn from the failure of the empire that when Britain seized India, a continent even vaster than North America, it definitely took Burke's thinking on empire as its Bible, namely the practice of "indirect rule." The essence of "indirect rule" was "to rule but not to govern." "Not governing" meant the colonial authorities would not directly engage in daily administration, but assigned those administrative matters which had high potential to provoke resentment from the colonized to local elites, thereby avoiding direct conflict with the colonial subjects over issues of governance. To "rule" therefore meant to rule the colonial elites. In order to achieve this kind of "ruling," the Empire certainly had recourse to of "carrot and stick" political techniques, but the really effective weapon was to construct a set of constitutional system that forged among the colonial elites a sense of fellow worker with the British ruling class. This, in Lugard's words, was to make the local leaders "as an integral part of the machinery of the administration" and then establish an elite cultivation system to enhance their cultural identification and further strengthen the political identification and loyalty to the British Empire. Legal bonds were important, but these could become unbreakable only when built on the basis of cultural identification. Just as Rousseau said that the real law was engraved on the heart of citizens, namely the "support or opposition of the public." Of course, the priority was to win support from the elite class.

Following this approach, as far as colonial India was concerned, the genius stroke deployed by the imperial politicians was to proclaim the British Queen as the Queen of India under the constitutional system. It was undoubtedly a strategy that "killed three birds with one stone" and should have been a model case for practicing cultural politics. First of all, it succeeded in harnessing Indians' cultural identity with their traditional monarchy, turning that identification with the monarch into recognition of the Queen. To this end, the imperial politicians continuously enriched the coronation ceremony and the honors system surrounding the crown, making it increasingly complicated, so rewarding the Indian elites for their loyalty, and strengthening their loyalty by giving them honors. Secondly, the rallying cry for an independent North America was to supplant the corrupt monarchy of the old continent with the republicanism of the new continent. How the federalists determined to break with the British monarchy can be seen in the *The Federalist Papers*, one of which stated that "It is impossible not to bestow the imputation of deliberate imposture and deception upon the gross pretense of a similitude between a King of

[2]Ibid.

Great Britain and a magistrate of the character marked out for that of the President of the United States."[3] However, through the design of the empire's constitutional system, the imperial politicians managed to retain the monarchy, silencing the voices calling to abolish the Queen, because although the Parliament belonged to the British people, the Queen belonged to the entire empire. In the end, the announcement of Queen Victoria as the Queen of India greatly stirred nationalist sentiment and imperial pride among the British populace, and thereby eased the increasingly acute class conflict in Britain. We should not forget that it was in Britain, the old industrial country, that the contradiction between the capitalist and the working class was the most intense. Friedrich Engels even devoted his work *The Condition of the Working Class in England* to advocate socialism. The socialist movement found little traction in Britain, but it did rock the European continent. Why? Apart from political tricks such as developing "labor aristocracy," the most critical political strategy was the coronation of the British Queen as the Queen of India, an act that greatly stimulated the national pride of the British, and united the capitalist and the working class under the flag of nationalism to either open up colonies overseas or engage in wars with France and Russia, countries hindering the development of British capitalism. While labour movements against the bourgeoisie were surging on the continent of Europe, British workers by contrast were busy making warships and weapons for their capitalist class. Such was the political strategy of the British Tories, supporting both the liberalism of the capitalist class and the nationalism of the imperial system, and combining the two closely together. In this way, freedom became a privilege of the British people, a symbol of their noble nature

In comparison, the Chinese capitalist class in their early days were too busy trying to shake off their own imperial rule to realize that it would lead to loss of political legitimacy and further provoke civil war. In their eagerness to suppress the labour movement, they latched on to the Western capitalists, dragging China down to semi-colony status. Today, the emerging class somehow has inherited their predecessors' characteristics, i.e. being "keen to fight for private interests but timid to wage a war for the public." They are fearfully turning their backs on patriotism and nationalism and eager to embrace international rules and exploit their own compatriots, but meanwhile ignorant of how to lead and unify the people around them. This, on the one hand, corroborates Mao Zedong's criticism that China's capitalist class lacked the ability to assume the political leadership of national independence and liberalism, owing to their innate weakness and dependence on imperialism. It also, on the other hand, chimes with Max Weber's criticism of the emerging German capitalist class in the 19th century, namely, that they had fallen into the well of philistinism. Short-sighted politically, they had little political

[3]*The Federalist on the New Constitution* (1837), Hallowell: Glazier, Masters & Smith, Paper No. 67, p. 372.

foresight or wisdom, with no knowledge that politics is an eternal struggle surrounding the survival of a nation, or that the highest state of political dominance is cultural hegemony that "conquers without doing battle."

4.3 III

The possession of India gave Britain the hope of establishing a continental empire. Quite a few British imperial politicians proposed to move the capital of the Empire to Delhi, and from there to further colonize Iran and the Tibetan region of China, so as to grasp the geopolitical heart of the continent and build a global empire. This was the very reason why the British Empire had long been meddling in Tibet and Yunnan, and attempting to separate Tibet from China. As things turned out, the British did not adopt the concept of continental empire, being more accustomed to maritime mentality.

After all, the commercial interests of the capitalists came from mercantile trade, not from such an impoverished continent. As a result, the impression given from an overview of its colonies was that the British Empire had almost become "a collector of islands." It had made nearly all islands close to a mainland its objects of colonization, weaving them into a globally commercial and colonial network. This was beyond doubt a very shrewdly commercial strategy. It could use the islands to establish commercial links with the hinterland, so as to obtain as much commercial interests as possible. By so doing, they did not have to shoulder the political burden of governing the continental colonies as the Roman Empire had done, an enterprise that was arduous and often fruitless.

Whereas a continental empire usually had to take on the heavy responsibility of governance after conquering territory, the British Empire could be compared to a leech, i.e. drawing resources from the land via its commercial veins without taking any political or moral obligation for the continent's decline. In this sense, there was nothing of the Roman Empire in the British Empire. It lacked a sense of political mission, not to mention the ambition to create a great civilization. Compared with the Roman emperors of great vision, such as Caesar and Octavian, British politicians like Disraeli and Churchill were no more than petty traders, getting rich at the expenses of others.

Such careful political calculation was reflected in the expansion of the British Empire, and even more so in its gradual disengagement of the Empire's disintegration. If we say the establishment of an empire depends on the opportunities offered by that era, then maintaining its regime over the long term requires a strong legal system and an iron will to rule. Undoubtedly, to manage the exit with glory calls for political skills of the highest order. The manner of the British retreats from its colonies underwent a transformation from a passive withdrawal to a proactive one. At the beginning of the national liberation movements, Britain, unwilling to

give up its colonies, wielded an iron fist in a policy that led to confrontations between the British and the colonized, ultimately resulting in Britain relinquishing its power over the colonies with a total loss of its interests there. Such was the case with the independence of India and Burma. In the 1960s, repeated failures, especially the Anglo-French military defeat over the takeover of the Suez Canal, brought it home to the British politicians that the dissolution of the Empire was inevitable. However, they didn't retreat in disarray, but calmly adopted the strategy of retreating in order to advance, making use of a voluntary withdrawal to maximally protect British interests, its economic interests in particular.

As a matter of fact, since the decline of the British Empire began, its politicians began employing legal measures to construct various forms of constitutional system to preserve maximum British influence. Among them, the most adopted were the gradual change of the imperial system into a federal system, and the establishment of overseas dominions to differentiate them from the colonies. Such diversified constitutional systems enabled the Empire to maintain its interests as much as possible in those colonies moving towards self-goverance or independence in accordance with their local state of affairs. Once the independence of a certain colony proved inevitable, the British Empire would manage the whole process in a phased approach. As a result, "decolonization" contained two opposite processes. On the surface, it was a process of the suzerain gradually giving up its direct colonial regime in a process of democratization. In actuality, it was a process of grooming political elites in the colonies for leadership by means of an imperial education, for maximum preservation of its economic and strategic interests. This step-by-step "decolonization" actually became a form of "re-colonization," as one Hong Kong scholar points out:

> In general, if the situation permits, (the British) would let the inland colonies first exercises self-government, and then goes gradually further to independence. As to the coastal colonies or harbors and island-based commercial centers, they normally retreat later if applicable, using a different mode of decolonization from that of the inland withdrawal. For the inland colonies, the Britain would let go both politically and administratively as soon as possible; but for the harbors, especially those commercial harbors on the islands, they make other arrangements for the decolonization process. The purpose of the special arrangements is not solely to retain the British traditional interests, but also to take account of the traditional interests of the locals. This is because the process of colonization has left these commercial harbors with a set of economic, cultural and political structures different those of inland colonies.[4]

Therefore, during the handover of its colonial powers, the British did not relinquish power overnight, but would complete the whole process gradually. For example, it might choose, as a first step, to transfer local political power, or assign economic and social affairs in economy, labor, education and health care to local governance, or to set up autonomous government of semi-independent nature before gradually turning over power in political, military and legal matters, thereby

[4]Chang Chak-yan (1982) *Recovery of Sovereignty and Future of Hong Kong* (in Chinese), Hong Kong: Wide Angle Press, pp. 49–50.

ensuring that the regime would move into the hands of the political and business elites groomed by the British. Such was the essence of the withdrawal strategy of the British Empire—to keep backstage control by nurturing the political loyalty of the local elites and to divide and rule by cultivating a sense of independent citizenship. It is in this well-planned and step-by-step process of retreat that we can discern the true value and significance of the "indirect rule" adopted by the imperial politicians. Although the British left, the constitutional system and legal mechanisms they carefully established remained, and only the political elites educated in the British ways knew how to operate the systems and were able to take over the controls. At the same time, the cultural values infiltrating the colonial legacy also remained, and these continued to strengthen the colonial political elites' cultural identification with and political loyalty to Britain. One essential link bridging the constitutional system and cultural identification was the common law. The common law not only served as a legal system, but also contained a set of cultural values. More importantly, it nurtured a group of legal elites, who became the political bond between the Empire and its post-independence colonies.

If we compare Britain's colonial governance and its withdrawal strategy with those of France, we must admit in awe that the British are born political animals. Britain's gradual and strategic retreat from its colonies kept order and loyalty for the Empire, whereas what France left in the wake of its panic-stricken retreat was wars and chaos. We cannot help but feel that France is a romantic country, home to artists and poets. Even Napoleon cannot be counted a politician, but a modern knight at the most. The incidents during the torch relay of the 2008 Olympic Games, such as Chinese people's boycott of Carrefour supermarkets, and the farce staged by the French when the torch relay passed through Paris, were more artistic performance than real politics. In this sense, we do need to learn from the British Empire. China still has a long way to become a real rising power.

4.4 IV

Motivated by the commercial interests of the maritime empire, the British Hong Kong Government had never given consideration to governing Hong Kong. The 99-year lease term of the New Territories further strengthened the mindset that it was only a "Borrowed Place, Borrowed Time." The reason the colonial Hong Kong Government pursued a non-interventionist economic policy was simply to create opportunities for the British to make a fortune, and this led directly to the anti-British protests of 1967. Nevertheless, as Hong Kong's economy later took off, this kind of policy was vaunted by liberalist economists as the root of the Hong Kong's miracle, and was subsequently brandished as a model by both the British Hong Kong Government and the Hong Kong SAR Government. Even when the SAR Government adopted intervention measures to tackle the problem of the ever widening gap between the rich and the poor, as well as the trend of Hong Kong being marginalized, it did not dare publicly admit the abandonment of the

non-intervention policy. Because the colonial Government had not shouldered the responsibility of managing a society, by World War II, although Britain had ruled Hong Kong for over a century, it still failed to gain any legitimacy from Hong Kong people. The fact that the British retreated at that time, abandoning Hong Kong people to their fate and even requesting the Chinese army to protect them (for example, the anti-Japanese troops fought in Burma), only increased the Hong Kong people's contempt for the British authorities.

After World War II, the British returned to Hong Kong. To win local support, Governor Mark Young came up with a reform proposal named "Young Plan" which would double the number of Chinese representatives on the City Council. At that time, the Charter of the United Nations had made regulations on the issue of various dominions; India and Pakistan had also declared independence, so Britain was beginning to consider its retreat from the colonies. However, Young's reform plan, although adhering to the stepped approach of imperial retreat, failed to rouse a response from the British Colonial Office long after its submission. This was because Hong Kong issues had already been handed over to the Foreign Office. The imperial politicians were closely monitoring the Civil War situation in China, and they did not see the Hong Kong issue as one of colonial retreat, but as a question of how to handle relations with the giant country of China. Therefore, in October 1952, the British Government announced that it was too early to conduct large-scale reform of Hong Kong's political system, having realized that if it wanted to make Hong Kong a "political watchtower" that could protect Britain ultimate interests, it must see Hong Kong issues in the broader context of Britain-China foreign relations, so as to return Hong Kong to China in a manner most favorable to British interests. On this matter, Governor Alexander Grantham recorded his "calm and rational" state of mind in his memoirs, "The fundamental political problem of the British Colony of Hong Kong is its relationship with China and not the advancement to self-government and independence as is the case with most British colonies." This is because "Hong Kong can never become independent."[5] He went on to say that

> 1997 will be the fateful year, for in that year the lease of the New Territories runs out, and I could not conceive of any Chinese government of whatever complexion renewing the lease. Nor could I imaging the rump of the Colony – the island of Hong Kong and the tip of Kowloon peninsula – continuing to exist as a viable entity, … Looked at from China's viewpoint, it would seem most unlikely that they would launch an attack during the intervening period, … Would not the Chinese be better advised – again in their own interest – to wait until 1997, which was not, after all, very far off, when they might expect the British to return Hong Kong to them, complete and intact? Meanwhile they would continue to earn considerable foreign exchanges by supplying the Colony's growing population with half its food supplies and other necessities.[6]

[5]Grantham, A. (2012) Via *Ports: From Hong Kong to Hong Kong*, Hong Kong: Hong Kong University Press, p. 105, p. 111.

[6]Ibid, p. 172.

It was against this background that when the People's Liberation Army stopped their horses along the Shenzhen river. Britain soon extended an olive branch to New China, and led the western world in recognizing the People's Republic of China so as to keep Hong Kong as one of the regions under its colonial rule. The "Young Plan" was shelved. In the 1960s, the continuous efforts of the US to push for Hong Kong self-government were consistently squashed by Britain.

However, as the British colonial system crumbled, in 1967 the British Empire adopted the new policy of withdrawing from East of Suez so as to concentrate its defenses in Europe and the North Atlantic. In 1968, with the announcement that it would complete its withdrawal from Singapore, Malaysia and the Gulf by the end of 1971, Britain's power in the Far East fell to its nadir. Under these circumstances, the British Government began again to consider an orderly withdrawal from Hong Kong. Meanwhile, China firmly opposed the British Government's idea to change Hong Kong into an actually independent political entity by means of democratic reform. Perhaps out of concern for its relations with China, the British Empire had not leapt into democratic reform before the retreat plan was finalized. Just as Fredrick Lee, Secretary of State for the Colonies, pointed out: "It is not possible to predict any major changes in Hong Kong's political system. There is an obvious limitation on the development of Hong Kong's political system, because Hong Kong does not have the hope of becoming autonomous or independent in the way that other regions under colonial rule have evolved. The proposal to establish an elected legislative institution is wrong, because this only makes sense if the ultimate objective of these political developments is to realize self-goverance or independence. One aspect with most potential for reform in Hong Kong lies in municipal affairs and local administration." Because of this, the British Hong Kong Government attempted to promote local administrative reform on the basis of the "Young Plan" and combine the arrangement of democratic politics with reform of local administration.

In 1966, then Governor David Trench proposed to reform the Urban Council by establishing "local government" handing over local affairs such as education, housing, health care and social welfare to the city government, and electing a certain number of Chinese legislators to participate in administration. However, this plan did not get through, since the anti-British protest in 1967 made the British fully aware that any form of democratic reform would bring the Hong Kong Left into the regime, and that return to China was Hong Kong's only destiny. Just as Commonwealth Office Undersecretary Hapgood said to the chairman of the Reform Club of Hong Kong in August 1968, on the matter of political reform, any major changes made by the Hong Kong government will upset the applecart as far as Hong Kong's relations with countries and regions like Chinese mainland, Taiwan and the US are concerned. In his view, to "expand democracy" by general election of legislators would "hand opportunities to the local Kuomintang and Communist Party to control the Legislative Council." Because of this, the British Hong Kong Government scotched the possibility of the Urban Council becoming a representative system. For them, the best solution was to develop advisory bodies rather than directly delegating more powers to the regional councils or the Urban Council.

Faced with this situation, while restraining the development of democracy, the colonial Government's consideration was how to win a chip in the bargaining process over Hong Kong's return to China. The chip was to cultivate the loyalty of Hong Kong people to the British authorities, shape their self-awareness and have them differentiate themselves from mainland China, so as to form an state of individuality and create difficulties for the return of Hong Kong.

In February 1967, after the suppression of mass protests stirred up by workers' strikes the year before, the colonial Hong Kong Government published the *Kowloon Disturbances 1966: Report of Commission of the Inquiry*. It pointed out that in traditional view that Hong Kong "being an entrepot for people as well as goods, a place where one worked for a time and then hoped to move on," and that this "sense of impermanence and of not-belonging" made young people feel insecure. Thus, the report suggested "to develop civic consciousness and a responsibility to Hong Kong," by encouraging the youth to participate in various kinds of activities for the clan and the neighborhood associations, and thereby to "provide the foundation for a wider loyalty."[7] However, past experience with the Communist Party had taught the British Empire that to enhance the local people's sense of belonging to a British-ruled Hong Kong, it was not enough to adopt such measures as violent suppression, "winning hearts and minds" and "administrative absorption of politics." If they were to fight the leftists for a mass popular base, they would have to resolve various social problems faced by the society. Therefore, the British Empire began to adopt a retreat strategy so-called Utilizing People's Livelihood as a Means to Resist the Communists, meaning by resolving the livelihood problems of Hong Kong people, nurturing their loyalty to the British Hong Kong Government as a way of getting them to resist Communist China, and thereby effecting a retreat most favorable to Britain's interests. For this purpose, the colonial Hong Kong Government transformed their colonial tradition of "rule without direct administration" to a policy of active intervention, and enacted a raft of laws to protect workers' welfare. An outstanding example of this was Governor Murray McLehose, who upon taking up office in 1971 implemented comprehensive measures on Hong Kong's social issues, and pursued various social and government system reforms, the most notable being housing reform.

The land of Hong Kong belonged to the British Hong Kong government and the auctioning of land became a major source of government revenue, which led to soaring land prices. Consequently, the grassroots could not afford their own houses, but had to rely on the low-rent apartments provided by the government. As Hong Kong's population increased in step with its industrialization, the number of such low-rent apartments couldn't keep up with the demand. Statistics show that there were nearly one million people in Hong Kong at that time without a regular residence, making Hong Kong an out-and-out "society of the homeless." Such a society generated a sense of displacement among Hong Kong people. It was

[7] *Kowloon Disturbances 1996: Report of Commission of Inquiry* (1967), Hong Kong: J. R. Lee, Acting Government Printer at the Government Press, p. 126.

impossible for them to identify with Hong Kong's legal order, still less show loyalty to the colonial Government. Murrary McLehose knew too well that "only those with fixed property have constancy" that the lack of housing was a major and persistent cause of conflict between the government and the people. Therefore, soon after taking office, he launched a "ten-year housing program," planning to provide homes for nearly 1.8 million people before 1982, enabling every ordinary Hong Kong people to have a home in such an expensive place. From then on, the majority of Hong Kong people were no longer just passing through or Chinese drifting to Hong Kong. They were no longer like "a plate of loose sand or a pool of rootless duckweed" but regarded Hong Kong as their home, a fact that greatly enhanced their sense of locale and self-identity. At the same time, McLehose made a good use of the "administrative absorption of politics" to organize ordinary people under various regional consulting groups, developing their sense of belonging to Hong Kong via participation in local affairs.

Based on these reforms, the British Hong Kong Government had gradually polished its image. As a government initially dependent on the opium trade, bribery and corruption were part of parcel of political and daily life then. This was particularly true of the police, whose ruthlessness and corruption was an open secret, as the colonial government relied much on police forces for its administration. In an effort to strengthen Hong Kong people's identification with the government, the British, whilst dealing harshly with the leftist protest movement, called for building "good government" so as to enhance the noble image and legitimacy of the British Hong Kong Government. For this purpose, it became the top priority for the government to combat the corruption within its own ranks and prevalent among society as a whole. With support from London, McLehose established the Independent Commission Against Corruption (ICAC) in 1974, which recorded notable achievements in fighting corruption. This rapidly transformed the image of the British Hong Kong Government and won them recognition from Hongkongers. As the ICAC was responsible only to the Governor, it greatly strengthened the Governor's control over the entire bureaucratic system and the whole society, and also improved the government's administrative ability. Apart from adopting the model of "administrative absorption of politics," the British Hong Kong Government also conducted reforms of the government system, reconstructing the civil service to the end of a more efficient government. For the Chinese who were accustomed to depending on the government, it was a dream to have an honest and efficient government, so it's easy to imagine the Hong Kong people's loyalty to the British Hong Kong Government. By a whole set of corresponding measures such as violent suppression, "winning the hearts and minds project," grooming of local elites, "administrative absorption of politics," social governance and rebuilding of its image, the British Empire finally won the legitimacy of the Hong Kong people. Winning over a people who acknowledged and supported their rule, the British got the biggest capital to bargain with China during their retreat.

In 1979, Murrary McLehose visited Beijing, and the destiny of Hong Kong was set on the agenda of the British Empire. On his return, he announced the good news, promise from Deng Xiaoping that "the Hong Kong people have nothing to worry,"

but he concealed Deng's other words that China was to take back Hong Kong in 1997. Aware that retreat from Hong Kong was inevitable, McLehose secretly launched the withdrawal process that the British Hong Kong Government had previously not been able to practice, namely to introduce the representative system into Hong Kong's political system and allow the local people to govern themselves. It is true that since the "Young Plan" the colonial Hong Kong Government had always worried that a representative system would allow in Hong Kong's leftists, but now, after a decade under the ruling of McLehose, a middle class had formed in Hong Kong, and with it the Hong Kong people's self-awareness. With their gratitude to the British government, even if they did not claim to be British, they would not identify with China, but call themselves Hongkongers. Accordingly, the Empire deemed the time ripe to implement the representative system as part of its withdrawal plan. On 6 June 1980, the colonial Government published a Green Paper entitled *A Pattern of District Administration in Hong Kong*, proposing a District Administration Scheme by establishing District Boards and electing some of the board members. Thus, the curtain was raised on Hong Kong's representative system. A the same time, the astute British hurriedly amended the British Nationality Act, defining Hong Kong people as overseas citizens without right of residence in the UK, the purpose of which was to prevent a panic rush to Britain of Hong Kong people fearing the return to China, and thus sharing in their social welfare and becoming a burden on Britain. The Empire was preparing well for its departure.

4.5 V

Far-called, our navies melt away;

On dune and headland sinks the fire:

Lo, all our pomp of yesterday

Is one with Nineveh and Tyre!

In Rudyard Kipling's poem Recessional, the "Poet of the Empire" fully expressed his sorrow at the fall of the British Empire, but it was a sorrow unable to conceal his pride in the Empire's former glory. If we assume all empires in human history regard the creation of a glorious civilization as their mission, and are driven by winning honor and glory, then the British Empire is the only exception to this generalization. If we compare it with the Roman Empire, we find that the establishment of the Roman Empire shaped the European peoples at the ultimate expense of its own people. If we compare the British Empire with the ancient Chinese Empire, we see that generations of the latter's rulers created the great family of the Chinese nation at the expense of the extinction of their own races. This was because, during the daily governance of these continental empires, all the ethnic groups gradually integrated with each other, with all their contradictory emotions mixing and meshing. It was the outcome of the political responsibility felt by imperial politicians towards their subjects, and from the grand heart of these

politicians to care about the greater world. In comparison, the British Empire openly made commercial interests its aim, and the narrow interests of the Anglo-Saxon race as their motivation, so that although the British Empire expanded across the globe, the country itself never looked beyond its small islands. We have to bear in mind that Britain and the British Empire have always been two different political entities, with the Empire no more than a profit machine for the United Kingdom. In its heyday, the British Empire once attempted to merge Britain with the Empire, enabling all its subjects to enjoy the same rights as British citizens. However, with the British economy faltering, the imperial politicians finally abandoned the idea of merging. Because of this, the British did not truly care about its imperial subjects, and naturally felt no moral or political responsibility for them. As Adam Smith held, there was nothing beyond the pursuit of self-interest, apart from a kind of sympathy and compassion. And perhaps this too accounts for why, in its calculated retreat, the British Empire purposely created some of the most tragic communal slayings in human history, as resulted from the Partition between India and Pakistan, the Palestinian issues, the Cyprus problem, territorial disputes in the Middle East, racial problems in South Africa, the Singapore-Malaya problem, the Hong Kong problem, and the border issues between India and China, and this despite the fact that Britain too had long been long troubled by Irish and Scottish separatism. For all these reasons, we may rate the British Empire as the most shameless empire in human history and the most deficient in moral sense.

However, the Cold War, the "Cultural Revolution" in mainland China, and the take-off of Hong Kong's economy—all these historic opportunities combined to produce the Hong Kong miracle, and to turn the humiliating decline of the British Empire into a scene of "Exit in Glory." Had there been no "Cultural Revolution" in the mainland, had there been no soaring of Hong Kong's economy, or had these historic elements combined differently, what would the British Empire have ended up with? Whenever pondering over this period of Hong Kong's history, I feel the British must have been smiled upon by fate, possibly as God's last reward for their political virtues. These traits, such as the deep-rooted sense of ownership, sober and calm political judgment, well concealed political schemes, cautious and considerate calculation of interests, as well as superior patience and persistence, the same traits that helped push an Empire onto the stage of history, enabled the Empire to stage a final glorious curtain call. In human history, Britain may well have been the one and only nation to establish its political virtues completely on commercial operations, and to fully realize the rationalization of politics and morality. In this sense, it is the liberalism of Adam Smith and John Locke that truly reflects the British national character. It's obviously a misunderstanding to assign the liberalism of Montesquieu and Tocqueville to Britain. Nevertheless, whether Hong Kong's miracle represents the exit of the British Empire from the stage of history or the overture to the rise of another nation, for this I am not able to tell now.

Chapter 5
Oceanic Thinking from a Continental Base

5.1 I

During the 1950s and 60s, the communist parties of China and the Soviet Union became embroiled in a series of heated debates over important theoretical issues relating to the International Communist Movement, a theoretical battle that eventually erupted into the Sino-Soviet split publicly. It was a rare event in international political history. Many still find it hard to understand this period and regard the controversy as nothing but verbal sparring. Deng Xiaoping expressed as much at his meeting with Gorbachev in 1989 that "looking back on more than 20 years of practice, we can see that there was a lot of empty talk on both sides." His comment was both heartfelt and diplomatically phrased: "heartfelt" because Deng, realistic and pragmatic, was beginning to lead China towards socialism with Chinese characteristics, away from getting bogged down in ideological debate over its "capitalist" or "socialist" nature; it was, too, "diplomatic phrasing" because Deng was steering China's foreign policy to a more introverted mode, one focusing on building up its domestic strength and avoiding the limelight.

As a matter of fact, Deng had been directly involved in the Sino-Soviet Great Debate, and his deep understanding of the nature of the debate was warmly appreciated by Mao Zedong. In the words of the then British Prime Minister Clement Attlee, it was a war for territory of the mind. The participation by Chinese communists in the debate was aimed at describing and demonstrating the principles of justice and moral basis of the Chinese revolution and socialist construction. On the one hand, China would carry forward the spirit of the Rectification Movement in Yan'an, stressing the independence of China's revolution and construction so as to free the mind of China's political elite from the invisible dominance of the Soviet "Big Brother." By so doing, China would be able to avoid the transplantation of the Soviet mode into the construction of Chinese socialism. On the other hand, since détente between the USSR and United States might jeopardize the interests of China, the stress on the legitimacy of China's revolution and construction actually

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implied a fight with the Soviet Union for leadership of the communist world. This was the foundation on which Mao Zedong successfully transformed Churchill's idea of the world's division into "Two Camps" into the "Three Worlds Theory." Thereafter, China escaped control by the Soviet Union and became the true political leader of the third world. By challenging both US and Soviet hegemony alike, China won the support of third world countries. It was these countries that voted China into the UN. In the global political theater, the "Two Camps" were superseded by the triangle of China, the US and the Soviet Union.

During the Sino-Soviet Great Debate, the Communist Party of the Soviet Union (CPUS) used the question of Hong Kong and Macao as a stick with which to beat the Communist Party of China (CPC), and incited the communist parties of other countries (e.g. the CPUSA) to do likewise. They accused the CPC of waging an illusory revolution and being timid in the face of imperialists, citing as evidence its "peaceful cooperation with British and American capitalists to jointly exploit the working people" and "the continuing existence on China's territory such regions under colonial rule as Hong Kong and Macao while colonialism is losing ground around the world," being overly swayed by its economic interests and foreign currency considerations (*People's Daily*, May 8 and July 13, 1964). In response to such accusations, the CPC reiterated its stand on the question of Hong Kong and Macao; namely, that question left over by history should be resolved peacefully through negotiation when conditions became mature. Rather than making a full head-on response, the Party replied with its own question to the CPSU that "Since you raise this sort of question, why not find out all unequal treaties in history and settle them once for all?" (*People's Daily*, May 8, 1963). It was a clear demand to terminate the series of unequal treaties between Tsarist Russia and the Qing Dynasty under which China had ceded many territories. It inevitably gives rise to the question: why, as advocates of anti-imperialism and anti-colonialism, did Chinese revolutionaries preserve such regions under colonial rule as Hong Kong and Macao? At the end of WWII, with Roosevelt acting as go-between, Chiang Kai-shek tried to get Britain to return Hong Kong. Churchill flatly refused. Mao Zedong, however, told three western journalists in Yan'an: "We don't demand the immediate return of Hong Kong and Macao. China is a big country. Many places are not yet well managed. We don't have to be in a hurry for some tiny places. The issue can be settled in future through consultation."[1] Even so, it is hard to explain the CPC's Hong Kong policy whether from the perspective of Marx's theory on democratic revolution or from a national revolution perspective. This propels us to find out the train of thoughts of Mao Zedong and other Chinese communists.

[1] *Collected Works of Mao Zedong,* Beijing: People's Publishing House, Vol. 4, p. 207.

5.2 II

In fact, long before Churchill made his famous Iron Curtain Speech in 1946, Mao Zedong, in a humble cave-house in Yan'an, had reflected on the fate of the "All under Heaven" and pondered on China's future position in the world order. Throughout China's history, Yan'an had been deep in the heartland of the continental empire. To its south lay Xi'an, the capital of ten dynasties; to its north lay Yu Lin, a borderland overshadowed by political confrontations between Han Chinese and minority ethnic groups of regimes such as the Liao, Western Xia, Jin, Yuan, and so on. During the Ming and Qing dynasties, Northern Shaanxi was transformed from a weak frontier to stable heartland, laying a solid foundation for the continental empire. As a result of physically living at the heartland, Mao was able to cast his sights on a more distant world, beyond the islands of Hong Kong and Taiwan. Classical China had always been a continental, land-based empire, and opened up to the maritime world only with the arrival by sea of westerners. From the late-Qing era, this new vision not only influenced Chinese geopolitical thinking on northwestern borders and southeastern coast defense, but also brought to China the economic idea of "local products" and "foreign goods" resulting in consideration of two different kinds of lifestyles and spiritual temperaments represented by "local style" and "western style."

Hegel's *Philosophy of History* devoted a special section to elaborate on the geographic foundations of civilizations. He divided man into nomadic people on plateaus, agricultural people on plains, and maritime people in coastal areas, and asserted that these different peoples had nurtured different national spirits from their natural habits. Hegel depicted agrarian people as enclosed and dependent because the land and continent seldom change; maritime people, in contrast, he saw as open, courageous and intelligent since their struggle with the vast and ever-changing ocean resulted in the natural acquisition of an open mind, and character traits of courage and cunning. If we take human history as a journey from dependence on nature to universal emancipation, from isolation to opening up, and from superstition to the wisdom of enlightenment, then the people who should lead popular history should be the British, rulers of a maritime empire, rather than the Germans, living on the continental hinterland. That is why Germany subsequently sought to have sea ports in its quest to change from a continental military power into a maritime one. It even looked away from land and sea, up to the sky as a possible new exit. This went further than just the consideration of geopolitics: it involved the national spirit of the German people. Hegel's way of thinking reflects the changes in European political structure after the 16th century, the Age of Discovery, i.e. the shift of political imagination in Europe from restoration of the glory of the Roman Empire in continental Europe to exploitation of the maritime world made possible by the Age of Discovery. Facing the brand new maritime world, Britain, an island nation on the edge of continental Europe, crystallized its imagination of the maritime world by introducing such notions as to trade, freedom and others specific to the maritime world into modern political thinking. They became the leader and

pioneer in the political enlightenment of modern Europe, and a leader of modern liberal constitutionalism. The British Empire became the center of political imagination in the whole oceanic era or the age of trade.

In contrast to Europeans whose continental and maritime framework shaped their geopolitical thinking and the political concepts of freedom and despotism, the focus of Chinese thinking on mountains (continent) and water (the sea) was directed neither on comparing actual political power, nor the structuring of political systems: rather, it centered on the issue of cultivating heart and mind. Stressing the cultivation of heart and mind, the Chinese believed that constant matters of the heart come from the abiding landmass and changing matters come from the ever-moving sea. The Chinese saying "the benevolent love mountains; the wise love water" certainly provides the best answer. The constant factor in the heart is "benevolence" i.e. a caring heart, or the Great Mind of Bodhi. It is fundamental to linking up the way of heaven and the way of man, and to joining together all intelligent life forms on earth. In comparison, as discussed in the *Book of Changes*, it is wise to change with varying situations and environments. According to Mencius, the ability to combine never-changing "benevolence" with ever-changing "wisdom" qualified a person as a "sage." So, let's return to the cave house in Yan'an. Indeed, Mao Zedong's thinking on continent and islands was partially influenced by modern geopolitics, yet in nature it was a continuation of the concepts in Chinese classical political philosophy of "constancy versus contingency" and "benevolence versus wisdom".

"The Chinese revolution is part of the world revolution." In his masterpiece *On New Democratic Revolution,* Mao Zedong gave a comprehensive analysis of the nature and significance of the Chinese revolution and in the process studied the Chinese revolution in the context of the world revolution. In other words, he made the understanding of "China" subordinate to the "world" or the "All under Heaven." Chairman Mao believed that, after Sun Yat-sen launched the Revolution of 1911, Chinese revolutionaries had two important tasks on hand: an "anti-imperialism" national revolution and an "anti-feudalism" democratic revolution. However, World War I and the Russian Revolution had fundamentally changed the nature of national revolution. All previous democratic revolutions fell into the category of old democratic revolution, while later revolutions were new democratic revolution. So, what were the differences between the "old" and "new" democratic revolution? The crucial distinction was the completely different futures of the two kinds of revolution. Mao spelled this out as early as 1925:

> All previous bourgeois revolutions, whether in Britain, France, Germany, the US or Japan, were led by only one class, the bourgeoisie. These revolutions are targeted at their domestic feudal aristocracy with the aim of building a nationalist country, a country ruled by the bourgeois class only; their slogans of freedom, equality and humanity are a tactic of the bourgeoisie to deceive and draw on side the petty bourgeoisie, the semi-proletariat and the proletariat. The result of these revolutions is the bourgeoisie realizing their goal of building a nationalist country; and the ultimate outcome is to establish colonies and semi-colonies all over the world and realize international capitalist-imperialism.

> In contrast, modern revolutions in colonies and semi-colonies are jointly waged by the petty bourgeoisie, the semi-proletariat, and the proletariat. … These revolutions are targeted at international imperialism with the goal to build a country commonly ruled by the revolutionary people; the advocacy of democracy and people's livelihood is not a tactic adopted by one class to deceive and draw over the other classes, but the common political and economic demand of all revolutionary classes. They are listed in the platform of their parties by their representative (Sun Yat-sen). The result of these revolutions is to build up a country ruled by all revolutionary people. The ultimate outcome is to eradicate imperialism across the globe and build a world union that is truly equal and free (i.e. Sun Yat-sen's idea of human equality and universal brotherhood).[2]

The above analysis clearly points out the essential difference between the two kinds of revolution. Old democratic revolution was named "old" because it was a democratic revolution by the bourgeois class only, which, after toppling feudal rulers, would establish the dictatorship of bourgeoisie characterized by cruel suppression of the working people at home; with nation-state (i.e. nationalistic state) as its premise, the dictatorship of bourgeoisie would certainly expand to imperialism in the globalization of capitalism, and would invade, exploit and colonize people in other countries or regions. Accordingly, capitalism, statism (nationalism) and imperialism (colonialism) constitute a trinity in old democratic revolution. The bourgeois revolutions in Europe of the 17th and 18th centuries exemplify this point. Conversely, the new democratic revolution was "new" because it was waged jointly by all revolutionary classes. It was targeted at both feudal rulers at home and international imperialists. Rather than establishing the dictatorship of one class, the revolution aimed to establish a joint dictatorship by all revolutionary classes (i.e. "a country jointly ruled by revolutionary people" or a "united government"). Since it took the road of socialism, not capitalism, the new state would not expand into imperialism or colonialism through capital expansion. On the contrary, it actually broke the narrow statism or nationalism limited to nation-state, and overthrew worldwide imperialists and colonists, eventually building a world union in which all men are equal or achieves universal brotherhood. Therefore, new democratic revolution had its own trinity, one of socialism (communism), internationalism and universal brotherhood (human equality). As a result, the difference between the "old" and the "new" not only reflected distinct historical periods of development, but essentially different implications of morality, legitimacy and philosophy.

Mao Zedong and his fellow leaders of the Chinese Communist Party had a firm belief in Marxism. This was not simply because "The salvoes of the October Revolution brought Marxism-Leninism to China," thus showed them the way to save China. More importantly, they all realized that Marxism opened up a way to save mankind. Therefore, China chose Marxism, not with the pragmatic motive of nationalism or statism, but by the call of internationalism and the classical ideal of universal brotherhood. The basis of the choice differentiated the CPC from the KMT, and the "Old China" from the "New China." With its political mission of emancipating all mankind the CPC gave New China universal significance in world

[2]Ibid, p. 62.

history. Mao Zedong saw no metaphysical opposition between China and the world, nationalism and internationalism, the proletariat and the human race, or people's democratic dictatorship and human equality; all these factors were organically interwoven.

This shows that Mao Zedong's priority focus was on the "unchanging" factor in the Chinese revolution, namely a fundamental concern for the whole world and all human beings. The core concept remained "benevolence" with the aim of achieving a perfect world in which all are free and equal under communism. The idea carried forward the "universal brotherhood" notion of Sun Yat-sen, Kang Youwei, and the ancient Confucian school. From another perspective, undoubtedly Mao Zedong's thinking on the tasks, directions and strategies in stages such as agrarian revolution, new democratic revolution, and socialist revolution was that they were "contingencies." Throughout his life, Mao Zedong paid high attention to considering "strategies" which he regarded as the "life of the Party." People often overlook Mao Zedong's thinking on the dialectical relationship between the "constancy" and "contingency" and misinterpret him as a Machiavellian schemer. Thus, under the leadership of Mao Zedong, Chinese communists were neither simple nationalists nor pure territorialists. From the very beginning, the CPC refused to limit its vision within nation-state confines but pondered globally over the fate of the whole human race and their mission and responsibility for the All under Heaven. Likewise, the "New China" was not meant to be a modern nation-state, but a ladder towards communism, and a bastion for world proletariats, especially the third world, to combat imperialism. Because of this, New China had a distinct political nature that the Old China (not only the ROC government, but every dynasty in Chinese history) never had. Driven by the life impulse to lead global proletariat revolution, Mao Zedong resolutely opposed Soviet "revisionism," which abandoned the ideal of communist revolution and participated in "peaceful competition" with capitalism, and independently took on the mantle of leadership for the oppressed all over the world, turning China into the center of world revolution. Because of its political nature, it is inaccurate to brand "New China" as a constitutional state in the legal sense. Even the 1954 Constitution drafted by Mao Zedong himself was temporary in nature and seen as the constitution for the transitional period. The political nature of "New China" determined its nature of being against bourgeois legal ownership. And CPC's political nature was borne not by the "state" but by the "Party." Mao Zedong spent his life time running the "Party" not the "state." In the 1920s, Mao Zedong had not much interest in KMT's vision of a nation-state. In his mind, such concepts as parliament, constitution, president, cabinet, military, industries, and education were all minor issues of political "contingency," whereas his main concern was the hearts and minds of people under heaven. "To win the All under Heaven, besides taking visible actions, first win the hearts of people under heaven. To win the hearts, first learn the ultimate source … the ultimate source is the truth of the universe. All people under heaven are part of the universe." [3]Armed with Marxism, the "Communist Party" grasped the universal truth. Together with the moral undertaking to work for the benefit of all people under heaven and for the realization of communism, the Party acquired the "ultimate source" and the ability

to "win the hearts of people under heaven" and to lead people in revolution. As a consequence, the "Party" was the soul of politics as it shouldered the political mission of achieving universal brotherhood, while the "state" was but an "instrument" for the "Party" to achieve the political goal and a temporary abode of the "Party" pending universal brotherhood. Thus, in the constitutional history of "New China," the Party's relationship with the state, the constitution and the law exists under unprecedented tension. It is in this sense that we may understand the political significance of Mao Zedong's launching of the "Cultural Revolution" and comprehend the political stance on Hong Kong taken by the Party under Mao's leadership.

5.3 III

Whereas in the 1910s and 1920s Mao Zedong finalized his thoughts on the nature of Chinese revolution from the source starting point of the universe and men's hearts, in the 1930s and 1940s he basically completed his reflections on the geopolitical nature of the Chinese revolution and the New China to be founded through the revolution. Mao Zedong did not see the Anti-Japanese War simply as a war between China and Japan but as part of a worldwide struggle against fascism. On these grounds, he came up with the theory of "Three United Fronts" which declared that victory in resisting Japan needed the concerted efforts of the Anti-fascism United Front in China, the Anti-fascism United Front in the world, and the Anti-fascism United Front within Japan, and that victory would not merely a be a victory for China but for all the world. Moreover, based on the vast territory and huge population of China, Mao Zedong formulated the ideas of "protracted war" and "guerrilla warfare." "Protracted war" meant war taking advantage of the deep hinterland, while "guerrilla warfare" referred to war with its roots in the land and the people. After victory in the global war against fascism, the world would have to choose between capitalism and socialism, while after the victory in the Anti-Japanese War, China would have to make a choice between the revolutionary united government advocated by the Communist Party and the dictatorship of bourgeoisie upheld by the KMT. As both China and the world had to find the path forward, the disagreement between communists and the KMT developed into disagreement between continental and oceanic mindsets. The target of the CPC Chinese was not the KMT but the British and American capitalists behind the KMT. However, be it in worldwide revolution against western capitalism or in China's continental and maritime geopolitics Hong Kong, was a crucial point. In 1945, Mao Zedong disclosed the Hong Kong policy to the Party for the first time, indicating that he had thought clearly on the political and geopolitical position of China in the world of the future.

In 1949, when the whole country was about to be liberated, Stalin dispatched an envoy to sound out Mao Zedong on the China situation and how the future would develop. Mao Zedong replied that it was easy to liberate the mainland. Tibet was

the only complicated issue but it was not difficult to solve "as long as we don't act too hastily or too crudely." The real trouble would be Taiwan because the KMT would retreat there and be shielded by American imperialists. Therefore, Mao Zedong believed:

> Things are more complicated on islands. We should resolve them with a more flexible approach. Peaceful transition is also an option but it is very time-consuming. In this case, it makes little sense to resolve the issue of Hong Kong and Macao in haste. On the contrary, if we leave the original status of the two places unchanged, especially Hong Kong, it would be more favorable for us to develop oversea relations and import/export trade. In a word, the final decision should be made as the situation develops.[3]

This was the first time that Mao Zedong expressed an in-depth view on Chinese politics from the perspective of the continental-oceanic relationship. He well understood that China, a major continental power, would inevitably meet a problem in future: how to face the ocean and "develop overseas relations." More importantly, the maritime world was dominated by the capitalist world, KMT-led Taiwan was controlled by the US and Hong Kong was governed by the UK. Thus, the issue of Hong Kong not only involved resistance against British colonial rule: it also had a bearing on the geopolitical issue of how should China "develop overseas relations" and relations with the US over the reunification of Taiwan. Mao Zedong's thinking on this issue signified that the CPC would adopt flexible strategies and methods to resolve issues in the Chinese mainland, Tibet, Hong Kong, Macao and Taiwan.

From 1945 to 1949, top leaders of the central government formed a basic view of the future world structure. Ideologically, two camps would inevitably emerge, led respectively by the US and the Soviet Union; geopolitically, the US would impose a sea blockade on China from its bases in countries and regions like South Korea, Japan, Taiwan and the Philippines. The view was further strengthened after the outbreak of the Korean War in 1950. Based on the situation, New China's top leaders prepared a relatively steady international strategy, namely a policy partial to the Soviet Union for the sake of security in the continental hinterland, and breaking the western blockade on China from Hong Kong, the weakest point on the sea "blockade." As a result, by leaving Hong Kong under British rule, China drove a wedge into the capitalist camp, breaking the West's blockade of China, providing a perfect springboard for China to jump from the continent to the oceanic world. Importantly, with the anti-Japan War and the rise of anti-colonial movements as ethnic Chinese in Southeast Asia became more and more politically aware, Hong Kong would play an important role as the portal to China for the Chinese diaspora in Southeast Asia and elsewhere.

Only by taking global strategy into account can we understand the central government's pre-1949 Hong Kong policy of "retaining the status quo." After the founding of the New China that year and the widespread economic development

[3]Shi Zhe (1991) *At the Side of Historical Giants: Shi Zhe's Memoirs*, Beijing: Central Documentation Publishing House, p. 380.

that ensued, the policy was evolved to "take long-term views and take full advantage." In terms of Hong Kong policy, Mao Zedong was the policy maker, Zhou Enlai the executor, and Liao Chengzhi, Zhou's most capable assistant, was directly in charge of Hong Kong affairs. Therefore, it was through Liao Chengzhi that, in 1951, Zhou Enlai delivered the central government's instructions to the Hong Kong branch of the Xinhua News Agency:

> Our policy on Hong Kong is part of the strategic disposition for the struggle between the east and the west. We shall not take back Hong Kong, but maintain the occupation by capitalist Britain. The decision should not be measured narrowly by the principles of territory and sovereignty. It was made before we liberated the mainland. In terms of global long-term strategy, the decision does not imply weakness or compromise; it is actually an active attack and a powerful struggle.[4]

Here we need to consider the CPC's political strategy and geopolitical strategy together. In "Foreword to the Periodical *Communist*", Mao Zedong made his first full summary of the secret to the Party's success in seizing power—the three magic weapons (namely, the Party building, the united front, and the armed struggle). Naturally enough, faced with the lockdown by the western world in the Cold War after the founding of New China, the CPC applied the three magic weapons in international politics. Firstly, the armed struggle became "defense of the motherland" when it was forced to join the War to Resist US Aggression and Aid Korea, to push back India's invasion of the Tibetan region, and to counter Soviet incursions in the Heilongjiang river basin. Secondly, it developed a united front to divide the British and American alliance and unite people of the third world. Thirdly, it transformed the Party building into assistance to communist parties in the third world. Geopolitically, the strategy of political struggles made Hong Kong an important base for China to establish an international united front in Southeast Asia. In this way, the Hong Kong issue was organically integrated into the central authority's united front strategy. For this purpose, Zhou Enlai went into detail on the meaning of "taking long-term views and taking full advantage" to the Hong Kong branch of the Xinhua News Agency via Liao Chengzhi.

Firstly, leaving Hong Kong to Britain was aimed at creating a political divide between the US and the UK; China could exploit the conflicting interests of America and Britain in the Far East and their different China policies, and try to unite Britain as much as possible in the fight against America the main enemy. "Leaving Hong Kong in the hands of Britain actually gives us the upper hand. By holding and pulling this British pigtail we stop Britain being able to or daring to stay too close to America's China policy and Far East strategy. Thus, we can exploit and manipulate the conflict between Britain and America on in China policy in the Far East."[5] Sure enough, under British influence, some former colonies of Britain like Malaysia, and Singapore took a neutral stance, one between that of the

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[4]Jin Rao-ru (1998) *CPC's Hong Kong Policy: The Uncovered Stories*, Hong Kong: Green Field Book Store, p. 4.

[5]Ibid, pp. 4–5.

pro-China Bandung Conference camp and that of the pro-US South East Asia Treaty Organization. These countries simply remained nonaligned.

Secondly, by leaving Hong Kong in British hands, China could make use of the capitalist system in developing its work with the Chinese diaspora, uniting the greatest possible number of overseas Chinese in Southeast Asia, establishing the widest patriotic united front, and uniting all people capable of being united so as to support China's economic construction and anti-imperialist struggle. Southeast Asia was a stronghold of overseas Chinese, who supported the modernization of China whilst seeking a livelihood and development in the capitalist world. Geographically, Hong Kong met both such needs and was regarded by New China as the "lookout tower, observatory and bridgehead" overlooking the oceanic western world. From the offense perspective, Hong Kong could support anti-imperialism movements in Southeast Asia—anyone who recalls the name Chin Peng very well comprehends the fate of Malayan Chinese and the Malayan Communist Party in the context of the conflict between China and the West. On the defensive side, Hong Kong served as China's advance position to break through the blockade and embargo imposed on China by the US-led western camp. Since the establishment of New China, an unceasing flow of materials and foreign exchange entered the mainland via Hong Kong, especially during the Korean War. At that time, the patriotic businessman Henry Fok, known as an "Old Friend of the Chinese Communist Party" had developed deep friendships with senior members of the central leadership. At the same time, through its work on overseas Chinese, the Central Committee strove to win their support for Beijing and with their help establish friendly and cooperative relations with Southeast Asian governments. For example, Tsui Sze-man, a famous leader of overseas Chinese in Hong Kong, helped China establish good relations with Burma. Sadly, Mr. Fok and Mr. Tsui died before the 10th anniversary of Hong Kong's return. Hong Kong media declared their passing to "mark the end of an era."

Last but not least was the value of Hong Kong in promoting economic development in Chinese mainland. As Zhou Enlai said at a symposium with Shanghai business people in 1957: "Hong Kong can serve as a base for us to build economic ties with foreign countries. We can attract foreign capital and earn foreign exchange." "Hong Kong should be turned into a port to bring us economic benefits."[6] For this reason, Zhou even demanded that the Hong Kong branch of the Xinhua "should protect and not damage"[7] capitalism in Hong Kong.

From the perspective of Marxist and nationalist orthodoxy, it seems heretical that the CPC should actually support the rule of colonialists and capitalists. Nonetheless, this point precisely reflects that the core elements of the CPC theory are not class or ethnicity but the notions of "state" and "All under Heaven." Why do Chinese accept the idea of class in Marxism? It is because behind the idea of class

[6] *Selected Works of Zhou Enlai on Economics* (1993), Beijing: Central Documentation Publishing House, p. 352.

[7] See, note 4, p. 5.

lies the Communist dream of universal brotherhood. Besides, the word "state" here is not the notion of nation-state in modern Western political theory; it is actually the differential mode of association formed by the "family-state-land under heaven" order in traditional Confucianism. The theory was summarized by Zhou Enlai as "all patriots are one family." That is, with patriotism as the highest principle, forming a differential mode of association among patriots supporting socialism, CPC rule, unification of the motherland, and Chinese culture, which constituted the famous united front theory. Having no place in Marxist orthodoxy, the theory is understandable only in the context of traditional Confucian ideas. The differential mode of association of "all patriots being one family" was both political and localized; under it, Hong Kong being ruled by Britain would help unite patriots supporting unification with the motherland and Chinese culture.

Hence, despite British rule, in terms of national governance, Hong Kong has always been part of China in the political ideology of the CPC, because in traditional political ideas, the state is an entity of culture or civilization rather than a legal entity. The central government emphasizes that while Hong Kong people should love their own country, they do not have to support New China, the Communist Party or Socialism, and they are only required to "love the land, people, fellow citizens, history and culture of their motherland." From this we see that the political idea of a civilized state goes beyond the constitutional state or *rechtsstaat.* Although the CPC did not rule Hong Kong directly, it always assumed political responsibility for all Hong Kong people. After the launch of the "Cultural Revolution," Zhou Enlai, in the interest of maintaining political stability in Hong Kong, repeatedly warned the Hong Kong branch of the Xinhua News Agency that no "Cultural Revolution" should be waged in Hong Kong because of its different status from the mainland. Furthermore, after the crackdown by the British Hong Kong government on the leftist "June the 7th Protest" the central government marshalled huge forces to build reservoirs on the Dongjiang River in Guangdong so as to help Hong Kong out of its "water shortage" problem, and this even though the mainland was facing severe economic difficulties in the mainland. Today, Hong Kong's water supply system is administered by seven administrative regulations, more numerous and strict than any other water supply system in China. After the return of Hong Kong, the political responsibility became the policy of "maintaining the long-term prosperity and stability of Hong Kong." Therefore, the CPC Central Committee kept issuing policies to support Hong Kong's economy. However, from the point of the rule of law, it was the responsibility of the British Hong Kong government to maintain Hong Kong's prosperity and stability in the past, and that of the government of the Hong Kong SAR under the current system of "one country, two systems." Without decision-making power in the financial, monetary, taxation and economic areas of Hong Kong, how could the central government keep Hong Kong prosperous and stable in the long term?

Modern western political theory or legal theory is of little use in explaining the Chinese policy of retaining the status quo in Hong Kong. And the same applies to the puzzles before us today. On the Hong Kong question, the CPC has gone beyond modern western political theories, whether it is Marxist class analysis or

nation-state approach. However, it seems no one can clarify what exactly is the idea beyond these theories. When under attack by the CPSU and criticism from the Chiang Kai-shek clique in Taiwan and overseas Chinese all over the world, the CPC failed to put forward a complete and convincing explanation but presented its policy on Hong Kong as a pragmatic strategic choice. Nevertheless, the point that modern western political theory cannot explain is of key importance, because it discloses the fact that the in-depth thought of the CPC actually perpetuated the traditional Confucian concept of the All under Heaven. The concept transcends class and ethnicity, transcends the concept of sovereign state, and combines the differential mode of association of political order with the location thinking of the relationship between center and periphery. In this sense, in CPC theory, the issue of Hong Kong is more a deep theoretical thought than a political strategy, and more an overall consideration than a local issue. When we grasp the internal consistency between CPC theory and that of traditional Confucianism, we will understand the peculiarity of the Chinese revolution, that it is an exception to orthodox Marxism and nation-state theory.

5.4 IV

Sometimes I sit alone
In the wheat field of May dreaming about all my brothers
And see the cobblers in my hometown roll all over the river bank
The arc of sky at twilight
The earth covered with sad villages
Sometimes I sit alone reciting Chinese poems for all my brothers
Without eyes or lips. (*Wheat Field in May*)

This poem, written in the 1980s by the poet Haizi, speaks prophetically of the helplessness and sadness of Chinese people today. During the Sino-Soviet Great Debate, China's communists were "reciting Chinese poems to all brothers" to the proletariat class all over the world to justify the Chinese revolution and China's development path, and to defend the Chinese mode of existence. But if we can recite only Chinese poems with the concepts and theories of Marxism, that renders us "without eyes or lips." In his summary of the Sino-Soviet Debate, Deng Xiaoping said the two parties had engaged in too many "empty words" being acutely aware that the Chinese mode of existence did not have to be defended only on Marxist grounds. The best defense of the Chinese mode of existence of is "seeking truth from facts" and "practice is the sole criterion for testing truth." Under the guidance of Deng Xiaoping's theory of socialism with Chinese characteristics, the notion of "Chinese characteristics" increasingly came to carry more weight than Marxist orthodoxy, and the same can be said of today's "Three Represents" and

"Harmonious Society" theories. The great rejuvenation of China has quietly replaced Marxism as the political objective. However, in the process of diluting Marxist discourse, we simply accept another discourse package, namely that of the west. We are still "without eyes or lips." Back in the days of the Sino-Soviet Debate, we were able to defend our mode of existence using Marxist arguments; 30 years on, despite having acquired a new discourse, we have lost the ability to defend ourselves with it. Worse still, it seems that in the process of "integration into the global community" we have lost the impulse to get civilized and the political will to defend ourselves.

In the 1980s, a time when China's intellectual elites embraced the West, Haizi's was the "only voice singing for China" but nowadays, amidst our economy prosperity, we are still "without eyes or lips." We possess the natural territory, but the heart's territory now belongs to others. Being such a vast country, governing a tiny spot like Hong Kong, presents China with a great many difficulties. To a great extent, this is because we have lost our voice in the face of western ideas like human rights, rule of law, democratic elections, and lost in the war to win back popular support. The battle for hearts and minds is not a competition in economic benefits. It is ultimately a cultural war, a mind war. Therefore, whether dealing with the issue of Hong Kong or trying to achieve the rise of China, perhaps we should fight for cultural leadership and win back popular support taking a stricter approach to singing "Chinese poems" driven by a stronger political will and better philosophical capacity. If not, our economic achievements and "one country, two systems" policy may prove to be a magnificent edifice built on shifting sand.

Chapter 6
Sovereignty: Between the Way of Humane and Hegemony

6.1 I

In 1977, Legco member Lo Tak-shing, a Government appointee to the "Advisory Committee on Diversification" started to hatch a plan for the future of Hong Kong. Diversification of the Hong Kong economy would need to develop more land in the New Territories, which naturally made the land lease of the New Territories a point of concern. This also served as an early wake-up call for British politicians concerning the issue of Hong Kong's future. Behind the lease of New Territories loomed the date of 1997, the doomsday for British living in what they termed a "borrowed place on borrowed time" and also the "final hour" in the eyes of many Hong Kong people at that time. The New Territories were indispensable to the economic development of Hong Kong and British interests there. It was unimaginable that a Hong Kong could be one without the New Territories. Therefore, the lease of the New Territories affected Hong Kong's political stability. Any move by China, the UK or the Hong Kong colonial government concerning the lease might affect opinion in Hong Kong. As was said by Lam Hang-chi, "the lease of the New Territories is like a dark shadow cast over the lives of its people. It is a dormant disease lurking deep in their hearts, one that breaks out seasonally."

Lo Tak-shing envisaged the possibility of the British Hong Kong government renting New Territories land beyond 1997, making Britain continuing as leaseholder of the New Territories a *fait accompli*, which would help Britain cross the "1997 deadline" and perpetuate its colonial rule of Hong Kong. To this end, some in the colonial government even considered allowing mainland-owned companies, such as China Resources, to win a low-cost or even no-cost land lease contract in the New Territories, which would extend beyond 1997, as British-owned companies were unwilling to rent land in that area. But Britain's Foreign Office was experienced enough to realize that asking China to renew the treacherous treaty would undoubtedly force it to take back Hong Kong. However, for unknown reasons, during Governor MacLehose's visit to Beijing in 1979, he cautiously

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brought up the issue of the lease of the New Territories, immediately putting Deng Xiaoping on the alert, who asserted that China would take back Hong Kong in 1997. To this end, Deng ordered the central government to organize an effort to study and resolve the Hong Kong question. Based on "Ye Jianying's Nine Principles" for resolving the Taiwan issue, the central government gradually developed its Hong Kong policy of "Twelve Principles." The concept of "one country, two systems" began to take shape.

Towards the end of 1970s, the Sino-Vietnamese Border War just ended. And China shifted its international strategic focus to improve its relations with the US-led western world against Soviet hegemony so as to ease the military pressure on China's northern borders, and facilitate the economic reform and opening up in the south. Now having the support of China, Britain, the US and the rest of the western world possessed an undoubted advantage over the Soviet Union. Deng took the opportunity of relaxed Sino-US relations to seek a solution to the issue of Taiwan. In this context, Liao Chengzhi wrote to Chiang Ching-kuo, and drafted "Ye Jianying's Nine Principles."

As a matter of fact, we can infer from the talk between Mao Zedong and Anastas Mikoyan in 1949 that senior CPC leaders were considering the Taiwan issue in a broader context of Sino-US relations. After the CPC founded New China in Beijing, US support for the KMT regime fell to an all-time low, leading Mao to opine that this was the best opportunity to resolve the Taiwan issue by force. However, subsequent changes altered the world picture in a subtle way. The failure of the Quemoy campaign, the outbreak of the Korean War, and the beginning of the Cold War between former allies the USA and the Soviet Union caused Mao to realize that resolving the Taiwan issue could not be a quick process. During the period, what Beijing could do was to play the game of shelling Quemoy, which was aimed to help Chiang Kai-shek maintain the KMT ruling in Taiwan and prevented the US from controlling the island. In 1972, US President Nixon visited China, marking China's transition from siding with the Soviet Union to partnering with the US. The world pattern of "Two Camps" thus evolved to a US-USSR-China "Triangle" with China acting as the leader of the Third World. Sino-US relations improved as a result and the US government formally acknowledged Taiwan as part of Chinese territory in the *China-US Joint Communique*. During the negotiations to restore Sino-US diplomatic relations in 1978, Deng Xiaoping discerned the vision of peaceful coexistence between the long-standing adversaries of socialism and capitalism, and the chance to resolve the Taiwan issue. He had a series of talks in 1978, repeatedly putting forward the vision of return of Taiwan and reunification of China under the principles of "giving consideration to the special circumstances of Taiwan," "respecting the reality in Taiwan" and "leaving some systems unchanged." The conception was crystallized in the "Nine Suggestions" ("Ye Jianying's Nine Principles") on peaceful reunification published to the world by Ye Jianying, Chairman of the Standing Committee of the National People's Congress, in an interview with a Xinhua correspondent on September 30, 1981. The essence of the "Nine Suggestions" was Deng Xiaoping's concept of the "one country, two systems." Admittedly, resolution of the Hong Kong question had not been front of

mind with the central leadership. However, Britain's request to renew the lease of the New Territories forced the central government to give early consideration of the matter. Given that it was impossible to effectively resolve the Taiwan issue for the time being, the central government tried to resolve the Hong Kong question first and make it a model for solving the Taiwan issue. The person responsible for implementing Deng's idea of the "one country, two systems" as well as central government policy on Hong Kong and Macao was Liao Chengzhi, deputy head of the leadership team on central government work related to Taiwan and director of the State Council's Hong Kong and Macau Affairs Office. After completing the "Nine Suggestions" on peaceful reunification of Taiwan, he continued with the preparation of the guidelines and policies for the central government to resolve the question of Hong Kong, formulating "Twelve Policies" of the central government for resolving the Hong Kong issue on the basis of "Ye Jianying's Nine Principles." These Policies by all means faded away Britain's hope of maintaining its rule in Hong Kong. As a result, the British government was criticized for making a huge strategic mistake in negotiating over Hong Kong from the angle of land lease renewal, arguing that if Britain had adopted the "Macao model," Hong Kong's future would have been very different.

In 1967, leftists in Macao, fired up by the "Cultural Revolution" in the Mainland, toppled the Portuguese Macao government, prompting an offer from Portugal to return Macao to China. However, as the central government did not plan to take back Hong Kong at that time, it could not make a move on Macao. Secret negotiations between Chinese and Portuguese governments concluded in agreement that, though the latter could continue to administer Macao, the place would be a de facto "semi-liberated area." In 1974, a left-wing party took power in Portugal. They advocated the abolition of all colonies and made Macao the first priority. Therefore, China and Portugal exchanged views in secret through official and civil channels. Considering that the return of Macao would not be helpful to the return of Hong Kong and Taiwan to China, the Chinese side preferred to leave Macao as it was for the time being. Faced with this situation, the Portuguese government made a unilateral declaration in the UN and in Macao that Macao was no longer the territory of Portugal and was merely administered by the Portuguese government. In 1979, China and Portugal finally concluded a secret four-point agreement on the future of Macao. These four points are: (1) China had always had sovereignty over Macao, a part of Chinese territory; (2) the issue of Macao was an issue rooted in the history; (3) the Chinese and Portuguese governments would resolve relevant issues at the proper time through negotiation; (4) the status quo of Macao should be maintained pending resolution of the issue. The core of the four-point agreement was China's sovereignty over Macao while Portugal had the right to govern pending resolution of the issue. The secret agreement soon became known to the British government. Britain's Foreign Secretary David Owen regarded it as a good opportunity for a dialogue with Beijing over the issue of Hong Kong. Against this backdrop, Governor MacLehose visited Beijing in 1979. However, MacLehose made no offer to return Hong Kong's sovereignty to China because Britain, willing to renew the lease, was very reluctant to abandon sovereignty over Hong Kong Island.

Many critics believe it would have been possible to resolve the Hong Kong question along the lines of the "Macao Model." They base their view on the fact that the new, post-Cultural Revolution central government was pragmatic, innovative, open-minded and dedicated to economic development and modernization, and the stability and prosperity of Hong Kong was in line with the strategic interests of both China and Britain. Furthermore, in terms of Beijing's consistent stand on Hong Kong policy, Beijing tried to establish resolution of the Hong Kong issue as a model for solving the Taiwan issue, so Hong Kong was not China's top priority of at that time. These factors seemed to lend themselves to a Macao-type solution to the Hong Kong question. However, Britain made the starting point of negotiation the issue of the New Territories lease and this touched the issue of sovereignty. The tactic was doomed to failure because it actually forced the Chinese government to endorse treacherous treaties signed in the Qing Dynasty. Wong Wan-fong, formerly a senior official of the Xinhua News Agency's Hong Kong branch, recalled

> I had an opportunity to talk with some of the British, and I pointed out to them that they should understand the Chinese people better. Under many circumstances, an ambiguous or equivocal approach offers the best possible solution to certain problems. If they continued to push China into a corner, they were only forcing her to resume Hong Kong's sovereignty. However the British did not agree, for they felt it was the best time to force China to yield.[1]

6.2 II

In starting the negotiations with the issue of the New Territories lease, Britain's aim was to extend the legal basis of its rights in Hong Kong, at least extending its right of governance. Britain is a state claimed to observe the rule of law, and Hong Kong is a society governed by the principles of the rule of law. Therefore, the lack of an agreement to extend Britain's right to rule would not be acceptable to both Britain and Hong Kong. Both the question of Hong Kong and the question of Macao had their roots in international treaties previously concluded. The "Macau Model" was feasible because Portugal had given up its rights under international treaties in advance. The Hong Kong question was a tougher nut to crack, since Britain held that while the New Territories were held by lease from China, Hong Kong Island and Kowloon had been ceded to them and they possessed sovereignty. In their view, the Sino-British negotiations were based on the "three effective treaties" and the subject for discussion was whether to renew the lease of the New Territories. Thus, Britain was hoping to extend the lease of the New Territories without giving up sovereignty over Hong Kong, which meant China would perforce admit the effectiveness of the three treaties and sign new treaties to extend British rule of

[1]Wong Man-fong (1997) *China's Resumption of Sovereignty over Hong Kong*, Hong Kong: The David C. Lam Institute for East-West Studies, Hong Kong Baptist University, p. 10.

Hong Kong. This was obviously unacceptable to China. It is, therefore, clear that proposing the "Macau Model" as a way of resolving the question of Hong Kong demonstrated a lack of understanding of the basic rules for modern legal society and a blind hope that China might somehow recognize the three unequal treaties and renew the New Territories lease.

At that time, Britain not only wanted to retain the right of governance but also to maintain their sovereignty over Hong Kong. This strategy was further strengthened once Margaret Thatcher came to power in 1979. Mrs. Thatcher replaced the idea of a "Borrowed Place on Borrowed Time" with the Thatcherite diplomacy. As for Hong Kong, she held the idea that: "We abide by our treaties. If anyone dislikes the treaties, the way to solve things is through discussion and agreement between the two parties concerned, not by breaching the agreement. If either party annuls a treaty out of disagreement with its terms, there can be no faith in any new treaty executed. Britain has a clear stand: the Chinese Communist Party must sign a new treaty with Britain to determine the status of Hong Kong in 1997. The issue can be solved only with a transition period. If they refuse to sign a new treaty to replace the old one, Britain will maintain its sovereignty over Hong Kong after 1997 on the basis of the old treaty." Mrs. Thatcher's tough stance had much to do with the fundamental changes taking place in the world and its order. Economically, the disadvantages of the Soviet planned economic system were gradually exposed, while the liberal economic policies espoused by Thatcher and Reagan had reinvigorated the economy in capitalist world. Politically, the Soviet Union's position in the "Power Triangle" was an invidious one, thanks to worldwide condemnation of its invasion of Afghanistan, the outbreak of the Sino-Vietnamese Border War, and Deng Xiaoping's visits to the US. Militarily, Reagan tried to get a strategic advantage over the Soviet Union through his Strategic Defense Initiative, i.e. the "Star Wars" programme, and Thatcher revived Britain's prestige by launching the Falklands (Malvinas) War. In her memoir Thatcher wrote:

> The significance of the Falklands War was enormous, both for Britain's self-confidence and for our standing in the world. Since the Suez fiasco in 1956, British foreign policy had been one long retreat. The tacit assumption made by British and foreign governments alike was that our world role was doomed steadily to diminish. We had come to be seen by both friends and enemies as a nation which lacked the will and the capability to defend its interests in peace, let alone in war. Victory in the Falklands changed that. Everywhere I went after the war, Britain's name meant something more than it had. The war also had real importance in relations between East and West.[2]

The islands are situated on a natural extension of Argentine territory in the western Atlantic Ocean, and are of great strategic importance by reason of their location on the vital route linking the Atlantic with the Indian Ocean. In the 17th century, Britain established a colony on the islands, but Argentina all along claimed sovereignty over the islands. In the 1970s, Britain and Argentina held negotiations over the islands, at which Britain proposed the plan to "exchange sovereignty for

[2]Thatcher, M. (1993) *The Downing Street Years*, London: Haper Collins Publishers, p. 173.

the right of administration." In other words, Britain would cede a titular sovereignty over the islands to Argentina, in exchange for Argentina's agreement to allow British administration to remain in the islands on lease. The plan was rejected by Argentina and thereafter matters between the two sides snagged up. Encouraged by the support from the US in curbing the spread of communism from the Soviet Union and Cuba into South America, the Argentine junta took their chance and occupied the Malvinas, but they failed to realize that British support was more important to the US in its fight against Soviet expansion. Thatcher, with American support, resolved to restore Britain's imperial confidence and international status through a minimal-cost war. However, in an age of hostility to colonialism and imperialism Britain had to find a new justification for the war, and here the long term colonial rule of the British Empire came into play. Through centuries of colonial rule, the British had nurtured a sense of loyalty to Britain among the Falklands residents. When Argentina demanded that Britain quit the islands, islanders waving Union Jacks sang "God Save the Queen," seeking protection from the empire. This undoubtedly served as justification for British rule over this colony:

> The people of the Falkland Islands, like the people of the United Kingdom, are an island race … They are few in number but they have the right to live in peace, to choose their own way of life and to determine their own allegiance. They way of life is British: their allegiance is to the Crown. It is the wish of the British people and the duty of Her Majesty's government to do everything that we can to uphold that right. That will be our hope and our endeavor, and, I believe, the resolve, of every Member of this House.[3]

Thatcher made the above address to parliament on the basis of the principle of "National Self-determination" as affirmed in the *United Nations Charter*. The principle was held both by Woodrow Wilson and Vladimir Lenin. Ostensibly it protects the rights of local people but in effect it is at the service of power politics. According to Wilson and Lenin, the National Self-determination theory is focused on colonized nations breaking the manacles of colonialism and determining their own future. Actually, Wilson's aim was to free the colonies from the rule of the 19th century colonists like Spain, Britain, France, Germany, etc., and to put them under the protection of the US. Latin American countries and Southeast Asian countries (e.g. the Philippines) are graphic examples. In similar fashion, Russia annexed Central Asian countries, newly independent of the Ottoman and the Mogul empire, absorbing them into the Soviet Union. Thatcher's resort to the doctrine of National Self-determination, she was trying to boost the legitimacy of British colonial rule over the Falklands, reverse the decline in power of the British Empire after the low point of the 1956 Suez Crisis, and thereby restore the ambition of the empire and stop the "long retreat" in British foreign diplomacy. After victory in the war, Thatcher announced proudly to the world:

[3]Ibid, p. 183.

> We have ceased to be a nation in retreat. We have instead a newfound confidence … But we do so, not as some flickering of a flame which must soon be dead. No, we rejoice that Britain has rekindled that spirit which has fired her for generations past and which today has begun to burn as brightly as before. Britain found herself again in the South Atlantic and will not look back from the victory she has won.[4]

Full of pride and confidence, Thatcher embarked on her journey to China. She firmly subscribed to the famous remark of Frederick the Great king of Prussia: "Diplomacy without arms is like music without instruments." Mirroring the situation in the Falklands, Britain had a political card to play on the question of Hong Kong. Thanks to over a decade of achievement under the governorship of Murray MacLehose, Hong Kong people were self-aware and the elites in Hong Kong identified with British rule. Resistance to returning to China had developed. Nevertheless, Hong Kong was not the Falklands. Despite the fact that most Hongkongers felt doubtful about the return to China, it was still hard to publicly advocate the idea of "another century as a region under colonial rule." No matter how much they had assimilated to western values, the roots of Chinese civilization went deep into Hong Kong hearts. Such is the power of civilization. As a result, in Hong Kong the concept of "traitor to China" had always been a political weapon against pro-British and American forces. Britain was well aware of this situation. From the very beginning, they realized that Hong Kong could not be colonized. Of course, they were well aware that China was no Argentina. Even when the media was full of coverage of the Falklands War and Hong Kong people were anxious about their future, Britain never reckoned on going to war with China Therefore, during the Sino-British negotiations, Thatcher did not use the theory of National Self-determination, nor did she defend the right of Hong Kong people to choose their way of life, and there was no mention of her responsibility for Hong Kong people. However, unlike the Falklands situation, Britain had two more cards in their hand in negotiating with China. The first card was legality, namely the existence of three international treaties: although the New Territories was a lease agreement, the question of its renewal was something to be decided on a legal basis. The second card was Hong Kong's economy which had developed into the "goose that lays the golden eggs" and was of significant value in the reform and opening-up of the Mainland, which made it a priceless bargaining chip in any deal with the Chinese government.

In September 1982, Thatcher visited China and met with Deng Xiaoping on the future of Hong Kong. Right at the outset, Thatcher raised the issue of Hong Kong's prosperity, arguing that this was dependent on the Hong Kong people's confidence in the future, which in turn called for maintaining British rule in Hong Kong; thus, the issue of sovereignty could be negotiated after China and Britain reached agreement on the future right to administrate rule over Hong Kong. On the surface, Thatcher seemed to be playing the economy card, which was the strongest one in the British hand. She assumed that if the day came when Britain withdrew from

[4]Ibid, p. 235.

Hong Kong, the economy there would slump as a result of people there withdrawing their capital because of scant confidence in the central government, and this would affect the investment badly needed for reform and opening-up in Chinese mainland. But fundamentally, behind the economy there was the backup of legality, indicating that the three unequal treaties should remain effective. In consequence, Britain should possess sovereignty and the legal right to rule over Hong Kong, turning the focus of the negotiation to the post-1997 on the ownership of the New Territories and not involving Hong Kong Island and Kowloon. Moreover, supposing sovereignty of Hong Kong was returned to China through negotiation, China should let Britain continue to govern Hong Kong in the interests of maintaining its prosperity. In this fashion, Thatcher established an intrinsic logical relationship between sovereignty and the right of administration by raising the issue of Hong Kong's prosperity, an issue of close concern to the Chinese government, and laid the foundation for the so-called "ceding sovereignty in return for continued administration" strategy in follow-up negotiations.

6.3 III

The Chinese leaders were fully prepared for the visit by Thatcher. Deng Xiaoping once told staff around him "Hong Kong is not the Malvinas Islands, and China is not Argentina." In the eyes of this veteran statesman, the Falklands War could barely be counted a war, nor did the British Empire's victory prove anything at all. The contest he was about to engage in was one of political strength, not military might. The negotiations between the "Iron Lady" and "Man of Steel" have often been seen as a contest of sovereignty will but the author views it as a fight over political wisdom and right of discourse.

Undoubtedly, the prime virtue of a statesman is indubitably the ability to make rational judgment and to carefully control the overall situation at a complex and critical juncture. Nevertheless, the ultimate realm of statesmanship is how to control the political discourse to advantage in a complex situation, to hold the dominant right of discourse, and to build political power on the principles of justice or legitimacy. We all know that the basis of politics is, of course, actual strength or comprehensive national strength, and ultimately military strength, but this fact should not lead us into the error of Machiavellianism. Politics is a form of human civilization, and as such differs from barbaric behavior or the use of brutal force in that political legitimacy has to be demonstrated through discourse. This quest for the principle of justice or the protection and defense of a certain way of life constitutes the most powerful civilizing impulse. Besides restricting brute force, the principle of justice also makes the exercise of power more effective, turning it into a gentle, invisible, and soul-touching "knowledge or power." Power of discourse is a "soft power" to use a term popular nowadays. In fact, in the most common sense, politics is a contest of principles, a contest of spiritual strength, and a contest of civilization. As Confucius said, "Statesmanship means integrity." That politics is

understood in this way is demonstrated by the plaque inscription "Be Fair and Square" at the Palace of Supreme Harmony in the Forbidden City, or the "Open Stratagem" of Mao Zedong. Therefore, in a political contest the side with the power of discourse has the initiative and the right to define the nature of the issue. The strength that Deng Xiaoping exhibited in the Sino-British negotiations was certainly not based on China's military might; rather it was based on his firm domination of the power of discourse during the whole negotiation through defining the nature of the negotiation. The principle of political justice thus displayed falls unquestionably into the category of the "Way of Humane" politics.

Through a review of the situation in Hong Kong, Thatcher abandoned the political card in favor of the economic argument; the cost benefit principle of utilitarianism took over from the principle of political justice. Economic factors carried weight in the Hong Kong issue, particularly in the early years of reform and opening-up when Hong Kong had an important influence on Chinese mainland's economic development. Moreover, Deng Xiaoping, given how he favored the "White Cat or Black Cat Theory" has often been regarded as a pragmatist. In fact, this is a huge misunderstanding of Deng Xiaoping, and a misreading of the Chinese communists. From the very beginning, China's communists based their politics on the foundation of justice, and regarded the interpretation and creation of theories on political justice as the very life of the Party. A veteran of the Sino-Soviet Great Debate, Deng Xiaoping was well aware of the importance of political principle, because it is the source of political legitimacy. It was quite in order to take a utilitarian stance on the choice between the market and the planned economy as an approach. By contrast, the Four Cardinal Principles and Socialism with Chinese Characteristics were unshakable political principles in Deng's eyes.

Nevertheless, in the Sino-British negotiations, Deng Xiaoping put aside the issue of economic prosperity raised by Thatcher, and redefined the issue of Hong Kong. In his view, the nub of the issue was not economic prosperity but sovereignty. The two parties had to resolve the fundamental question first and had to make clear who was to possess sovereignty over Hong Kong. Only then could the sovereign party be entitled to consider how to maintain Hong Kong's prosperity. China and Britain must discuss the future of Hong Kong in this context. To this end, Deng Xiaoping made clear to Thatcher from the very beginning,

> We have a clear-cut position regarding the question of Hong Kong, which involves three things. First, it involves the issue of sovereignty. The second question is about what method China will adopt to govern Hong Kong to maintain its prosperity after 1997. The third question is that both the Chinese and British governments should carefully discuss how to ensure that no major fluctuation will occur in Hong Kong from now to 1997.[5]

First, sovereignty; second, the right of administration; and finally, transition – such was Deng Xiaoping's complete definition of the Hong Kong issue, a redefinition demonstrating his superb political wisdom in its use of a new theoretical framework to redefine the issue of Hong Kong's economic prosperity raised by

[5]*Deng Xiao Ping on* "*One Country, Two Systems*", (2004), Hong Kong: Joint Publishing Co., p. 1.

Thatcher. In his view, the heart of the matter was not about economic prosperity, but sovereignty. Only after resolving the fundamental issue and determining who would possess the sovereignty of Hong Kong, could the sovereign party be entitled to consider how to maintain that prosperity. In other words, in the theoretical framework proposed by Deng, the issue raised by Thatcher simply did not exist. If Hong Kong's sovereignty belonged to China, only the Chinese government should be concerned about Hong Kong's prosperity, and Britain had nothing to do with the economic issue. What Britain should concern itself with was the question of transition, which was the essence of the Sino-British negotiations.

It was precisely this sovereignty-based approach that the Chinese government firmly held the initiative and the upper hand throughout the negotiations, because it directly responded to Thatcher's assumption that the three treaties were still in effect. Since the three treaties were unequal ones imposed on the Qing government by the British Empire through gun-boat diplomacy, they lacked political legitimacy. The Chinese government of course wanted to revoke these unequal treaties. Once New China was founded, the government, on the principle that "all sovereign states are equal regardless of size" explicitly declared the three unequal treaties to be invalid and asserted its sovereignty over Hong Kong and Macao. In 1972, Huang Hua, China's permanent representative to the United Nations, wrote to the chairman of the United Nations "Special Committee on Decolonization" reiterating the position of the Chinese government that: "The questions of Hong Kong and Macau belong to the category of questions resulting from the series of unequal treaties left over by history, treaties which the imperialist imposed on China. Hong Kong and Macau are part of Chinese territory occupied by British and Portuguese authorities. The settlement of the questions of Hong Kong and Macau is entirely within China's sovereign right and do not at all fall under the normal category of colonial territories. Consequently they should not be included in the list of colonial territories covered by the Declaration on Granting Independence to Colonial Countries and Peoples." Thanks to support from the Third World countries for China, the 27th United Nations General Assembly voted on the issue and removed Hong Kong and Macao from the "Decolonized" category of the UN's "List of Colonial Territories." This meant Hong Kong and Macao would never be independent in the future but would return to China.

Due to this historical background, there is no doubt that the discourse on sovereignty handed China the political upper hand in the negotiations. Back then, in discussions within the central government over the issue of Hong Kong, many officials in charge of economic sectors were unconvinced that it would be a good thing to take back Hong Kong in 1997, particularly taking into account its prosperity. But in one of such central meetings, the then Vice Foreign Minister Zhang Wenjin argued vehemently that not to take back Hong Kong on time would make us "ashamed before our ancestors, our descendants, our own people, and the people of the third world!" Subsequently this would make us no better than "the cabinet of Li Hongzhang." This chimed with Deng Xiaoping's view and in the negotiations with Thatcher he told her: "Frankly speaking, sovereignty is not negotiable. Now the time is ripe. It should be made clear that China will take back Hong Kong in

1997. That is to say, China will not only take back the New Territories, but also the Island of Hong Kong and Kowloon. It is on this premise that China and Britain should negotiate over the ways and means to solve the Hong Kong issue."[6] In other words, Deng Xiaoping's tough stance was not based on "hegemony" but on the "Way of Humane" and on the political legitimacy, namely, China has the sovereignty over Hong Kong.

Given that sovereignty indubitably belonged to China, it followed that the Chinese government had to consider how to maintain Hong Kong's economic prosperity, which had no direct relationship with Britain. Nevertheless, proceeding from the realities of the situation, Hong Kong's prosperity was indeed closely enmeshed with successful British governance. Therefore, the idea of "ceding sovereignty in returned for continued administration" took hold in Hong Kong and with senior economic officials in China's central government. That is, sovereignty should rest with China, but Britain still had the right of administration. The so-called "Macau Model" or the "Fuzzy Theory" proposed by Wong Man-fong was hoped to adopt in this context, which, in essence, maintained British administration in Hong Kong. There was even a rumor, say that the Hong Kong wealthy few would hope to give the central government a large sum of money in exchange for British administration in Hong Kong. The situation made it imperative for Deng Xiaoping to strike a balance between sovereignty and prosperity. The greatness of Deng lay in that he was neither a rigid dogmatist nor a short-sighted pragmatist. He had the political wisdom to find the best balance between political principles and practical interests, resuming the exercise of sovereignty required by those on the left and maintaining economic prosperity as demanded by those on the right. In his view, it was not British rule that led to Hong Kong's prosperity, but adoption of capitalism. Hence, he put forward the model of the "one country, two systems" to maintain Hong Kong's capitalist system and to assure the prosperity of capitalism in Hong Kong. On this basis, he further rejected Thatcher's argument about Hong Kong prosperity, and squashed Britain's attempt to pressure the Chinese government with the threat of killing the "goose that lays golden eggs."

> It is widely discussed that if prosperity is not maintained in Hong Kong, it might retard China's four modernizations. In my opinion, while we cannot say it would not have no effect whatsoever on China's modernization, it would be a mistake to say the effect would be very great. Should China decide to pin the fate of our four modernizations on the prosperity of Hong Kong, that decision would be inherently incorrect. People are also concerned about the possible withdrawal of foreign investment from Hong Kong. As long as we adopt suitable policies, investment withdrawn will eventually return. Therefore, when we announce our decision to take back Hong Kong in 1997, we will at the same time announce the systems and policies to be practiced in Hong Kong after that date.[7]

What makes a great man is his ability to fix his sights on a future unimaginable to the average person. Ten years after the return of Hong Kong, when we recall his

[6]Ibid, p. 1.

[7]Ibid, p. 3.

above words, we cannot fail to be impressed by the far-sightedness that Deng Xiaoping displayed two decades earlier. "Should China decide to pin the fate of our four modernizations on the prosperity of Hong Kong, that decision would be inherently incorrect." Many senior officials who worked at the economic departments of the central government did not then necessarily understand the full meaning of this sentence. Deng Xiaoping's tough stance on Hong Kong was no display of muscle, no reckless impulse, nor the false pride of a politician concerned for his name in history. It was the future vision of a mature statesman, and the confidence, fortitude and determination flowing from that. The confidence came from his faith in the Chinese people and the will to rejuvenate Chinese civilization. Deng Xiaoping believed that the driving force for China's economic development would not be investment from abroad but the diligence and wisdom of the Chinese people at home. Deng Xiaoping used to say he was "the son of the Chinese people." Never was a truer word spoken.

If Deng Xiaoping ever displayed his "hegemonic" side in the negotiations at all, it was not on the issues of sovereignty or economic prosperity but on the final issue, i.e. the transition. As a veteran statesman, Deng Xiaoping had a profound insight into human nature and politics. Eschewing all illusions, he was no victim to blind faith or naive fantasy. Although China's relations with Britain and America at that time were close, Deng was very clear that the British would not lie down on the issue of Hong Kong and would inevitably make trouble. Thus, he told Thatcher explicitly: "what I worry about is how the fifteen-year transition could be smooth and that major disorder would emerge in the transition period. The disorder would be man-made. It would be created by both foreigners and Chinese. But it would be created mainly by the British."[8] Taking an inflexible stand, Deng further warned Thatcher: "What should we do if major fluctuations took place in the fifteen-year transitional period? If that happened, the Chinese government would have to reconsider the time and method of taking back Hong Kong. If the announcement of the return of Hong Kong results in, as Madam put it, a 'devastating impact,' we will face this disaster with courage and make a new policy decision."[9] The disturbance of political reform under the governorship of Chris Patten proved just how far-sighted Deng was.

This approach of taking the toughest political measures at the most critical moment can be characterized as "hegemonistic." In the context of Hong Kong, it implied the early retaking of Hong Kong through military action. Of course, the precondition was China having sovereignty over Hong Kong, and therefore accepting the political responsibility of ensuring Hong Kong's stability. But it was here that Deng Xiaoping truly displayed his political will on the Hong Kong issue. Political will is not bravado, but making real preparations. Political will is not acting impulsively, but sober understanding and brave bearing of the worst consequences. In the past, China had bravely joined the Korean War and achieved favorable

[8]Ibid, p. 3.
[9]Ibid.

results because it was ready to "break the pots and pans" and take it "as if the liberation has been delayed for a few years." As regards Hong Kong, the Chinese government prepared to deal with the worst case scenario before announcing it would take back Hong Kong. On the one hand, it would send troops to take back Hong Kong earlier than planned if unrest were to break out; on the other hand, it would secure the smooth progress of the negotiations and smooth return of Hong Kong. Therefore, Deng Xiaoping asked the State Council to figure out how much foreign exchange was earned by Hong Kong for China; and if Hong Kong had a problem, how much would it affect the Chinese economy.

6.4 IV

In the definition made by Jean Bodin, the greatest jurist of France, in the 16th century, "sovereignty is the absolute and perpetual power of a Republic." Supported by this concept, the theory of sovereignty helped secular monarchs in Europe to defeat the church, feudal lords, and other political forces, and to build modern states. Nevertheless, this concept of sovereignty, unfettered, pushed European powers to expand and colonize across the globe. When the concept of "sovereignty" entered China, it was constrained by the principle of political justice. The concept of constrained sovereignty was the concept of "equality." And it was the principle of justice, derived from the concept of "equality" that helped China and all colonies and semi-colonies in their fights for national independence and liberation. Thus, in the modern era, the core concept of Chinese political philosophy has been the concept of sovereignty. Despite its Western origin, the idea of equality that lies behind it contains the essence of Chinese traditional political philosophy. The political thought of sovereign equality, sovereign independence and non-interference in the internal affairs of other countries carries on the tradition of the classical idea that "the king does not rule the uncivilized." Behind this equality lies deep respect for different nations, ethnicities and cultural traditions. With "equality" in mind, the Chinese government showed no arrogance toward Britain despite having absolute power over Hong Kong. On the contrary, the Chinese government fully recognized and catered to British interests in Hong Kong. This compromise was not so much a pragmatic political calculation, but rather based on the concept of "equality," showing respect for another sovereign state.

The succinct exchange between Deng Xiaoping and Thatcher is without doubt a classic document on sovereignty theory. It established an intrinsic theoretical association between sovereignty, the right of administration, and political transition. The mixture of "humane" and "hegemony" demonstrated the ultimate virtue of statesmanship: prudent judgment, resolute will and great wisdom. Sadly, our political scientists and jurists fail to pay enough attention to this document. They forget about "politics" and spout about "philosophy"; without a good understanding of the "methodology," they cannot perceive the truth beneath "regular patterns." In Western classical theory of sovereignty, sovereignty implied real political rule.

However, in Deng Xiaoping's theory of sovereignty, although China possessed sovereignty over Hong Kong, it did not exercise it. This departure from the Western classical theories of sovereignty precisely demonstrates China's contribution to the theory of sovereignty, which distinguishes "right of sovereignty" from the "exercise of sovereignty." The former is based on the principle of justice while the latter is based on practical considerations. This distinction is of great significance because it makes the concept of "sovereignty" transcend the limits of the western "nation-state" and expands it to the understanding of "all under heaven." In the 18th century, the British politician Edmund Burke, facing the unstoppable independence movement of Britain's colonies in North America, argued that Britain should allow North America its independence or autonomy, subject to recognizing Britain's possession of sovereignty. His idea actually distinguished "right of sovereignty" from the "exercise of sovereignty." The idea was eventually realized in China, in a different civilization. A divide of centuries was bridged by the like thinking of two great minds.

In the early stages of the negotiations, the usual form of words was "the return of sovereignty over Hong Kong." Shao Tianren, a famous expert in international law, maintained that China had never given up sovereignty over Hong Kong and Britain had never possessed it, so there could be no "return of sovereignty" but "Chinese resumption of the exercise of sovereignty over Hong Kong." Deng Xiaoping agreed with this statement, which is why the concept of "resumption of the exercise of sovereignty" appeared in the *Sino-British Joint Declaration*. For this reason, the *Joint Declaration* is not an international treaty in the strict sense though it was submitted to the UN for record according to the usual practice of concluding an international treaty. Because China possessed sovereignty over Hong Kong, it could unilaterally issue a statement on the resumption of sovereignty. Now that Britain agreed with China's statement, the agreement naturally became a "Joint Declaration." As a result, the *Joint Declaration* did not stipulate the respective rights and obligations of China and Britain. It contained two major points: firstly, China announced its resumption of the exercise of sovereignty; secondly, Britain announced that it would return Hong Kong to China. Both sides were deliberately vague concerning when to hand back Hong Kong, thereby avoiding the words "return of sovereignty."

Chapter 7
The Origin of "One Country, Two Systems"

7.1 I

"A pen and a newspaper" often constitute the dream of many men of letters. For instance, *Ming Pao Daily News* and the *Hong Kong Economic Journal*, both influential newspapers in Hong Kong, each were sustained by one writer in their earliest days. The famous writer Jin Yong used to write martial arts fiction for the supplement of *Ta Kung Pao*. Later, he struck out on his own and founded *Ming Pao Daily*. The newspaper is still highly respected by intellectuals for its cultural taste and political level-headedness on current affairs. Likewise, Lam Hang-chi, a financial commentator, established the *Hong Kong Economic Journal* with just one pen. The paper has considerable status and influence in the finance sectors of Chinese mainland, Taiwan, Hong Kong and Macao. And Mr. Lam still ploughs his daily column the "Politics and Economics Review" nowadays. From macro-economics to financial policy, from mainland reforms to global economic trends, and from the Hong Kong political system to popular culture, his Reviews are full of independent thinking and professional expertise. Every piece is worth reading. For decades, he worked conscientiously and inspired profound and wide respect.

Jin Yong (real name: Louis Cha) and Lam Hang-chi (real name: Lam Shan-muk) differ in the area of research, writing style, and political stance. Living in Hong Kong, the frontline of the clash between Chinese and Western civilizations, Jin Rong made profound reflections on Chinese civilization in his martial arts stories. He was dealing with the core theme of "the distinction between Chinese and barbarisms." Therefore, he kept challenging and questioning the orthodox civilization of the Central Plains with peripheral cultures and ethnic minority civilizations, and searching for the orthodox foundation of Chinese civilization. By conjuring up an ancient world of martial arts, Jin Yong pondered over the issue on the cultural identity of Hong Kong, which lies on the edge of communist civilization. In *The Deer and the Cauldron*, the figure of Wei Xiaobao represents the situation of Hong Kong people, trapped between the communist civilization of

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Chinese mainland, the traditional Confucian civilization of Taiwan, and the capitalist civilization of the West. The puzzle of Wei Xiaobao's situation was precisely that of Hong Kong's cultural identity. That is whether Hong Kong is part of Chinese civilization (including communist civilization), or part of western civilization. Nevertheless, thanks to the influence of martial arts culture, Jin Rong, who challenged and satirized the orthodoxy, did not topple it down and further kept an open-mind mentality toward the orthodoxy. Although the character Wei Xiaobao is head of the Red Flower Society, an opposition group, he still considers Emperor Kangxi as a good emperor who improves the life of the people. This means Jin Yong will not use Confucian civilization to challenge the communist civilization of Chinese mainland. After all, it is the communist civilization that has reversed the backwardness and weakness of modern China, and enabled China to rank among the advanced countries in the world.

Perhaps this accounts for the optimistic attitude of *Ming Pao Daily* toward China's resumption of the exercise of sovereignty over Hong Kong since the beginning of the 1980s. Hong Kong people had a great debate about the future of Hong Kong, a debate stirred up by Chris Patten's political reform plan. On this occasion, Jin Yong published a series of editorial which systematically expounded the idea of "one country, two systems" proposed by the central government. Subsequently, they had the effect on boosting Hong Kong people' confidence in the return of Hong Kong. This action presented a sharp contrast to that of Lam Hang-chi. For example, in the early 1980s, Mr. Lam defended the British claim on "the validity of the three treaties" in the *Hong Kong Economic Journal*. Besides, he encouraged British government to pressurize Beijing on the prosperity of Hong Kong, the "goose laying golden eggs," and to maintain British rule of Hong Kong with the approach of "ceding sovereignty in return for continued administration." His views were rejected by many Hong Kong people; some even went to protest outside the paper's office. Of course, to name Mr. Lam as "unpatriotic" because of this would be going too far. After all, it would be expected, being only an expert on finance, Mr. Lam put livelihood as a priority and feel anxious that Hong Kong might not prosper under socialism after the return to China. Twenty years later, Mr. Lam, wrote articles to reflect on his lifelong pursuit: market economy and capitalism, still maintaining the same academic honesty and conscience. As a matter of fact, Deng Xiaoping had foreseen the worries by Lam as early as the very beginning of the 1980s. To this end, he put forward the idea of "one country, two systems" to ensure the economic prosperity and ease the worries of Hong Kong people. After that, even Lam Hang-chi, one of the skeptics and naysayers on the return of Hong Kong, turned in its favor. Later, Mr. Lam wrote from his heart:

> It is a universally known fact that Hong Kong has a huge influence on the Chinese economy. However, what does economic benefit count when it comes to politics? In particular, the Chinese leaders are mesmerized by the idea of unification and by nationalist passion. How could they compromise on principle for the sake of economic benefits? On this point, I was pretty accurate; however, much to my surprise, China actually proposed to maintain the capitalist system in Hong Kong for 50 more years after the return, and make the "Hong Kong people ruling Hong Kong" its political guideline; No matter whether or

> not this is a temporary expedient, it deprives the British and Hong Kong people of an argument in one move. With these remarkably original and forceful special measures, Hong Kong people, though still not feeling confident, now look forward to the "high degree of autonomy" and "everything maintaining the status quo." The impact on Hong Kong people of "the British departure and Chinese arrival" has been greatly reduced.[1]

In a word, the smooth return of Hong Kong on the premise of maintaining economic prosperity can be credited largely to the concept of "one country, two systems" proposed by Deng Xiaoping, one that secured the support of Hong Kong people. Thatcher commented that there is no precedent for the concept of "one country, two systems." "It offers an imaginative response to the special historical circumstances of Hong Kong. The concept is an example of how apparently intractable problems can, and should be resolved." We cannot help but ask what is political imagination, and where does it come from? In fact, there are many things that we are familiar with but do not truly understand. Over two decades since the birth of the "one country, two systems" concept we still fail to give deep consideration to the question, failing to realize its universal significance, and miss out on applying it to similar political problems across the world to the advantage of China's "soft power." Why have we not promoted the concept of "one country, two systems" to the status of general theory? One possible reason is that our vision is too narrow. We see it just as the individual political acumen of Deng Xiaoping or an expedient measure to solve the issue of small places like Hong Kong and Macao, but fail to see that behind Deng's political thinking lies a long tradition of thought on frontier governance, one stretching from Mao Zedong right back to the great politicians of ancient China; and that deep political philosophy informed Deng Xiaoping's thinking.

7.2 II

It is universally recognized that the idea of "one country, two systems" is an important part of Deng Xiaoping's theory of socialism with Chinese characteristics. However, Deng Xiaoping never claimed it as his own creation. In April 1981, Lord Carrington, British Secretary of State for Foreign and Commonwealth Affairs, visited China to explore Chinese policy towards Hong Kong. Deng reaffirmed that the assurance made in his meeting with Governor MacLehose in 1979 was the formal position of Chinese government, that once China resumed sovereignty over Hong Kong, it would maintain Hong Kong's way of life and political system, maintain the prosperity and stability of Hong Kong, to the relief of investors. Deng Xiaoping did not use the exact term of "one country, two systems" at that point, but a senior official from the central government explicitly told Carrington that Britain

[1]Lam Hang-chi (1984) *The Reality and Design on the Question of Hong Kong's Future*, Hong Kong: Hong Kong Economic Journal ltd., the Forward.

should study Chinese policies towards Taiwan and Tibet. As can be seen, the central government's policy towards Hong Kong was inherently associated with the then policy towards Taiwan and the approach to the Tibetan issue in the early years of New China.

We all know that the principle of "one country, two systems" was born out of the central government's policy towards Taiwan, but few have noted the intrinsic association with the central government's resolution of the Tibetan issue. In fact, in 1948, when Mao Zedong expounded his geographical thinking on China, he put Tibet together with Hong Kong, Macao and Taiwan. Tibet was an issue concerning traditional land frontier, whereas Hong Kong, Macao and Taiwan being the sea frontier that had gradually surfaced in modern times. The two sets of issues had points of difference and points of interconnection. In order to resolve the land border issue, the central government signed the "17-Article Agreement" and resolved the Tibetan issue through the Peaceful Liberation of Tibet. Before the rebellion in Tibet in 1959, the "17-Article Agreement" was the de facto basic law on Tibet governance. Nevertheless, if we compare the "17-Article Agreement" with the "Ye Jianying's Nine Principles," namely central government's policy towards Taiwan, and with the "Twelve Principles" on Hong Kong, we will find that though the later ones are richer in content reflecting developments over time, their basic framework and spirit are in line with the "17-Article Agreement." These three documents share the following five common political principles.

Firstly, national sovereignty must belong to the central people's government in order to maintain the indivisible unity of the Chinese nation, safeguard the inseparable link between national sovereignty and the right of administration, and uphold the political relations between the central government and local governments in a unitary state in terms of leadership and empowerment. The "17-Article Agreement" explicitly demanded to "drive out the imperialist aggressive forces; that the Tibetian people shall return to the big family of the motherland—People's Republic of China." The aggressive forces like Britain and the US had been inciting the movement for Tibetan independence. They regarded Tibet as the geopolitical and ideological "barrier to contain communism" for the western world. To this end, they were looking for a viable, legitimate and durable basis for Tibetan independence. Failing to find any legal basis in western history for making Tibet an independent country, they began misinterpreting the unified multi-ethnic Chinese civilization in light of the Western imperialist colonial system, labeling Tibet as a tributary to China and a "Chinese dependent territory." Based on this, they lobbied for "national self-determination" for Tibet in the United Nations. At that time, the local government of Tibet was directly dominated by British and American forces. If China did not expel imperialist aggressive forces from Tibet, such forces might at any time instigate independence activities in Tibet, thus resulted in the division of China. Similarly, with a specific purpose, "Ye Jianying's Nine Principles" clearly stipulated that "we propose that talks to be held between the Communist Party of China and the Kuomintang of China on a reciprocal basis so that parties will co-operate for the third time to accomplish the great cause of national reunification." (Principle 1) As we all know, the so-called KMT-CPC co-operations were

political actions only taken when they faced common external enemies. More specifically, the first KMT-CPC cooperation was to overthrow the government of warlords and restore the Republic of China. The second was joint resistance against Japanese imperialist aggression. Although there was no clear common enemy for the proposed third KMT-CPC cooperation, this too aimed to "bring an end to the unfortunate separation of the Chinese nation as early as possible" (Principle 1). As with the second KMT-CPC cooperation, the proposed third cooperation also placed the interests of the "Chinese nation" above those of the party interests. But the concept of the "Chinese nation" had special significance only in the context of the international political order. In fact, Deng Xiaoping was already aware of a change of direction in the world situation, meaning leaning more towards the trend of "peace and development." In these circumstances, in the 1980s, the central government put forward that the new crisis faced by the Chinese nation was its "global status." It was in this global strategic context that Deng Xiaoping listed the three major tasks for the 1980s, namely, reunification with Taiwan, modernization, and maintenance of world peace. In the 1990s, these things developed into the "Great Rejuvenation of the Chinese Nation." As for the "Twelve Basic Policies" of the central government on Hong Kong, the first Policy expressly stated that "Upholding national unity and territorial integrity," the People's Republic of China decided to establish a special administrative region upon "resuming the exercise of sovereignty over Hong Kong." The principle of Chinese sovereignty over Hong Kong was also made clear in this policy. From the above analysis, we see that the three documents share the same political principles on national sovereignty, territorial integrity, and the unity of different ethnic groups even though they deal with different specific problems in different historical periods.

Secondly, being "special" local governments, Tibet, Taiwan and Hong Kong, though under the direct rule of the central government, possess the power of a high degree of autonomy. Under the principle of sovereign integrity, the central government would, in light of different conditions, divide or delegate power to these special local governments in a flexible manner. During the delegation of power, the central government would take action on equal terms, and respect the historical and actual conditions of these local regions or ethnic groups. Generally speaking, national defense and foreign affairs, symbols of national sovereignty, should rest with the Central People's government, while local governments should exercise their special administrative powers to manage their own local matters. In international law, diplomacy is a symbol of national sovereignty because only an independent political entity of a sovereign state has the right to handle diplomatic affairs with other states. Under the particular historical circumstance of the Peaceful Liberation of Tibet, Tibet's foreign affairs would have to be handled by the central government only so as to put a stop to imperialist intervention in Tibet. Nevertheless, various international organizations had emerged in the course of time. They had no direct link with political sovereignty and dealt with economy, culture and sports. In this context, the central government would leave diplomatic space for the special governments in these areas of activity. Both "Ye Jianying's Nine Principles" and the "Twelve Basic Policies" on Hong Kong were explicit on this

point. As for military presence, besides symbolizing national sovereignty, such presence is essential to safeguard national unity and territorial integrity. Therefore, we should understand military presence in two ways, namely as a symbol of sovereignty and a force to maintain sovereign order. Given the difficulties of physical communications between Tibet and the Chinese interior, the central government's military presence in Tibet not only symbolized sovereignty, but served the objective needs of maintaining sovereign order. However, the "17-Article Agreement" allowed the Tibetan local government to retain its own "Tibetan troops," the central government military considering this troops as incapable of threatening sovereign order but able to maintain the order of Tibet. Furthermore, the "17-Article Agreement" clearly stipulated that the future for Tibet was to implement "regional ethnic autonomy" and that the "Tibetan troops will be reorganized step by step into the People's Liberation Army, and become a part of the national defense forces of the Central People's Government" (Article 8). By contrast, the issue of stationing troops in Hong Kong had triggered some confusion in the past. There was a rumor prevalent among Hong Kong people that an official concerned in a certain central government ministry had said the central government would not maintain a military presence in Hong Kong. This rumor was dismissed by Deng Xiaoping as "nonsense." Considered from the perspective of sovereign order, even if the central government maintained no military presence in Hong Kong, Hong Kong was unlikely to split away or seek independence. In any case, because Hong Kong people were fearful of Chinese mainland at that time, so the theory of "no military presence" would only serve the purpose of calming Hong Kong people down. Nonetheless, Deng Xiaoping was clear that world peace was only temporary and western forces would never give up attempts to subvert China. Moreover, Britain's long colonial rule had fundamentally changed the political and cultural identity of many Hong Kong people. With most people "fearing and rejecting communism," Hong Kong might become a base for western powers to subvert China and to incite civil unrest. Therefore, Deng Xiaoping clearly pointed out: "The Chinese troops in Hong Kong would have another role also—to prevent disturbances. Knowing that there were Chinese troops present, people who intended to incite disturbances would have to think twice about it. And even if there were disturbances, they could be quelled immediately."[2] In comparison, "Ye Jianying's Nine Principles" proposed that, besides enjoying a "high degree of autonomy" as a "special administrative region," Taiwan could "retain its armed forces" (Principle 3). The "17-Article Agreement" was concluded with the PLA at the city walls of Lhasa, and the "Twelve Basic Policies" on Hong Kong were formulated as the lease of New Territories was about to expire. Both the Tibetan and the Hong Kong people were somewhat reluctant to the exercise of sovereignty by the central government. Under such a circumstance, military presence was absolutely essential for the protection of sovereign order. But as things were

[2]"Maitain Prosperity and Stability in Hong Kong," in *Deng Xiaoping on* "*One Country, Two Systems*", Hong Kong: Joint Publishing House, 2004, p. 20 (in Chinese).

construed at the time, if the reunification of Taiwan were realized through peace talks between CPC and KMT on a voluntary basis, Taiwan's armed forces would not threaten the order of the country. In this case, to "retain its armed forces" would be beneficial to maintain the sovereign order. The foregoing shows that the central government took different positions on diplomacy and military presence in Tibet, Taiwan and Hong Kong, based on their different historical and actual conditions. Though the central government delegated different powers to these special local governments the flexible differential treatments all adhered to a common bottom line: namely, maintaining the unity of sovereignty and territorial integrity.

Thirdly, Being "special" local regions with a high degree of autonomy, Tibet, Taiwan and Hong Kong are allowed to have governments elected by local people, and implement a different system of economy, politics, society, culture and way of life than that of Chinese mainland. More importantly, the central government would follow the principle expressed by a Chinese proverb that "River water does not intrude into well water" by which is meant that the special system should remain unchanged for a long time and there should be no interference between the Chinese mainland system and those of the special regions. For example, the "17-Article Agreement" confirmed that the supreme leadership of Panchen Lama and Dalai Lama under theocratic rule should be preserved in Tibet and remain unchanged, Tibetan religious beliefs and system should remain unchanged, and even the serfdom system in Tibet should remain unchanged pro tem. Meanwhile, on the issues of Hong Kong and Taiwan, the central government promised to maintain their capitalist economic system and way of life, and keep their political and legal systems basically unchanged.

Fourthly, these local governments, as part of the administration of the country, are able to participate in state administration through the Chinese People's Political Consultative Conference (CPPCC) and the National People's Congress (NPC). Meanwhile, the central government holds the right to appoint leaders of these local governments to leadership positions in the CPC and the state. Since the founding of New China, there have been representatives from Tibet, Taiwan and Hong Kong to the CPPCC and NPC. But unlike their mainland counterparts on the CPPCC and NPC, although these representatives participate in management of state affairs on behalf of their local regions, they are not actually obliged to convey central government's decisions, directives and general principles to their regions. The purpose is to maintain the relative political independence of these special regions under the principle of "two systems." Apart from this, "Ye Jianying's Nine Principles" states clearly that "People in authority and representative personages of various circles in Taiwan may take up posts of leadership in national political bodies and participate in running the state" (Article 5), whereas such content is not expressly provided in the "17-Article Agreement" or the "Twelve Basic Policies." In the actual political arrangements, certain constitutional conventions were formed. For instance, after signing the "17-Article Agreement," the Dalai Lama was elected vice chairman of the NPC Standing Committee at the 1st NPC in 1954, and the Panchen Lama was elected member of its Standing Committee. Likewise, Tung Chee-hwa, the first

Chief Executive of Hong Kong SAR, was appointed vice chairman of the CPPCC after leaving office.

Fifthly, these local governments or their residents are not required to assume some particular obligations and responsibilities to the state, for instance the one on military service or on paying taxes. In contrast, the central government is responsible and obliged to provide support to these local governments when they are facing difficulties. For instance, the "17-Article Agreement" provides that "Funds needed by the military and administrative committees, the military are a headquarters and the People's Liberation Army entering Tibet will be provided by the by the Central People's Government" (Article 16). The "Twelve Basic Policies" states that "The Hong Kong Special Administrative Region will have independent finances. The Central People's government will not levy taxes on the Hong Kong Special Administrative Region" (Policy 8). And in Annex I with elaboration of the basic policies, it says that for stationed forces the "Expenditure for these military forces shall be borne by the Central People's government" (XII). The Central People's Government has offered so much economic aid to Tibet and Hong Kong that by now many people already take it for granted. In recent years, the central government put forward a raft of preferential policies to Taiwan businessmen and Taiwan farmers. It was also considered as an effective approach to solve the Taiwan issue.

From the above-elaborated five shared political principles, it is clear that Deng Xiaoping's idea of "one country, two systems" had its roots in Mao Zedong's thinking on the Peaceful Liberation of Tibet, specifically from the "17-Article Agreement." As a matter of fact, in the early days of New China, Tibetan liberation was in the hands of the Southwest Military Region, and Deng was First Secretary and Commissar of the CPC Southwest Bureau. Being tasked with the Liberation of Tibet, Deng Xiaoping directed the 18th Army, led by Zhang Guohua, to establish a policy research institute. Bolstered by famous sociologists and Tibetologists including XieGuozhong, Li Anzhai and his wife Yu Shiyu, the institute focused on Tibetan studies, investigated Tibetan conditions, and provided policy advisors to the troops. The institute formulated a series of detailed policies and rules, namely the 34 Rules for Troops to Tibet, and prepared systematic reports for the central government on the basic policies for the Peaceful Liberation of Tibet and for governing it. On this basis, Deng Xiaoping drafted the "Four Principles" for the peace talks with the Tibetan local government. The "Four Principles" submitted to the central government were "Expel British and American imperialists from Tibet; The Tibetan people shall return to the family of the People's Republic of China and adopt regional autonomy by ethnic Tibetans; Tibet's existing systems should be maintained for the time being, and issues on various reforms in Tibet shall be resolved through consultation according to the will of the Tibetan people; Implement freedom of religion, protect lama temples, and respect the religious beliefs and customs of the Tibetan people." The four principles were soon approved by the central government. After that, Deng Xiaoping further refined them into the Ten-point Policy for Peaceful Negotiation with the Tibetan representatives. Mao Zedong thought highly of the "Ten-point Policy" and approved it, with one

modification to Article 8: "… issues on reform in Tibet should be resolved through consultation according to the will of the Tibetan people." After "Tibetan people" he inserted "and leaders in Tibet." The addition phrase manifested Mao's overall understanding of the policy towards Tibet. Eventually, the "Ten-point Policy" was expanded into the Agreement of the Central People's Government and the Local Government of Tibet on Measures for the Peaceful Liberation of Tibet concluded on 23 May 1951, also known as the "17-Article Agreement." Thus, it is clear that Deng Xiaoping was personally involved in the development of the "17-Article Agreement," the central government's Tibet policy. Moreover, he took the lead in preparing the "Ye Jianying's Nine Principles" and the "Twelve Basic Policies" on Hong Kong too. So, why do we generally ignore the inherent continuity, and why did Deng Xiaoping himself rarely mention the link between the "one country, two systems" idea and the central government's Tibet policy? Perhaps the reason is that although the Tibet policy was proposed by Deng Xiaoping, it was formulated in the era of Mao Zedong, whereas "one country, two systems" was a product of the Deng Xiaoping era entirely. Both the Deng era concept of "one country, two systems" and the Mao era idea of Peaceful Liberation of Tibet shared the bottom-line of General Huang Musong, negotiating on behalf of the Republic of China in Lhasa in 1934, namely that Tibet should acknowledge being "part of the Republic of China, and subject to the central government" that "foreign affairs, defense, transportation and the appointment of senior officials" were the preserve of China, while "the central government shall not infringe upon (Tibet's) right of autonomy, or change Tibet's political and religious system." The blueprint actually had its origin in the political arts of all Chinese monarchs on ruling frontier. In light of this, we can now understand better why Mao Zedong added a phrase "and leaders in Tibet" to the "Ten-point Policy" drafted by Deng Xiaoping.

7.3 III

The Chinese Empire emerged in the Qin and Han dynasties, flourished under the Tang and Song, and prospered under the Yuan, Ming and Qing. Notably, the Qing Empire introduced a mature, flexible and resilient political and religious system, developed the constitutional system for frontier governance of the Chinese Empire to its apogee, and effectively solved border issues which had not been completely resolved since Tang and Song times.

The core of the political system was to adjust policies to local conditions while preserving the centralized system in defense of the sovereignty of the empire: "Rule the Manchu with the Eight Banners system, Mongolians with the League and Banner system, Han Chinese with the administrative provinces system, Uygurs with the Burke system, control Tibetans through the theocracy system, govern southwest

Miao people with native chieftain or tribal systems, and treat dependencies with the suzerain system."[3] On this basis, central institutions were stationed in all border regions to monitor, control and command the frontiers. For example, the Qing established the General of Shengjing, the General of Jilin, the General of Heilongjiang, the General of Ili, the General of Chahar, the General of Jehol, the General of Suiyan, the General of Uliastai, the Grand Minister Superintendent of Kuren, the Grand Minister Superintendent of Xi'ning, and the Grand Minister Resident of Tibet. Thanks to the orderly systems and impressive political performance, "the vast stretches of borderlands were at peace for two centuries, a rare phenomenon in past dynasties."[4] The governance of Tibet is a typical case in point. Its geographical location, south of Xinjiang and north of the Miao region, made Tibet crucial to strengthening the Empire's southwest and the northwest frontiers. In terms of culture and religion, due to the spread of Tibetan Buddhism, it had a considerable influence over Mongolia and Manchuria areas.

The founding monarch of the Qing Empire had always regarded Tibet as part of frontier territory. From the beginning of the Qing Dynasty, the Mongolian tribes living in the north and west posed a major threat to the security of Chinese territory. In the process of dealing with this threat, from Hong Taiji to Emperor Shunzhi, the rulers nurtured a profound understanding of the Gelug (Yellow Hat) Sect of Tibetan Buddhism. During the reign of Emperor Kangxi, he was urged to repair the collapsed Great Wall so as to prevent invasion by the Dzungar Mongolian tribe. Kangxi wrote a poem in reply, "Mile after mile stretches the wall/Year after year needing overhaul. Blood spent, treasury drained/The world is not theirs after all." Kangxi lamented the Great Wall, started by the first emperor of China, but he had found a better tool than the Great Wall to control the frontier, which was to win people's hearts. To this end, he promoted Confucianism to govern the Central Plains and Han people south of the Yangtze River, and popularized Buddhism to govern Mongolia and Tibet in the northern and western borderlands.

To stabilize frontier through the tool of religion was a political technique requiring great imaginative prowess. In western history, secular monarchs were crowned by the Pope in Rome. In the Qing Empire, however, the titles of religious leaders were bestowed by secular monarchs. Let us not forget that the titles and the supreme leadership of "Dalai" and "Panchen" in Tibetan Buddhism were conferred by secular emperors in the Qing Dynasty. This political tradition originated in the Yuan Dynasty. The Yuan emperor conferred the title of Imperial Preceptor and Karmapa on the religious leader Phatpa. Ming emperors, too, often conferred such titles as Chogyal, Arhat of the West, Grand National Master, and Zen Master on religious leaders. In this way, emperors managed to place religious power under the rule of secular political power, and use religion as a way to control, educate and

[3]Ling Chunsheng (1996) "The Governing System of Tibet under the Qing Dynasty," in Xiao Jinsong's *The Grand Minister Resident of Tibet in the Qing Dynasty*, Taipei: Tonsan Publishing House, pp. 6–7.

[4]Ibid, p. 7.

govern people. The system was perfected under the Qing Dynasty. By the granting of religious titles, the Qing Empire recognized the political status of Tibetan Buddhism, the de facto state religion. Following the teachings of his forefathers to "deal with religion and education, respect the customs; unify the government orders, take appropriate measures," Emperor Qianlong, having quenched rebellions and riots in Dzungar and Tibet, took the step of taking a prince's mansion in Beijing and transforming it to a lama temple, the Yonghe Temple. It became the political center for the empire to lead Mongolia and Tibet through the medium of Tibetan Buddhism. Emperor Qianlong's calligraphic inscription the "Pronouncement on Lamas" was carved into on a stone tablet erected in the Yonghe Temple. It reads that "The incarnation of the Living Buddha shall be determined through Drawing Lots from the Golden Urn. The rule shall be in effect forever." Relying on the imaginative political concept of control through religion, the Qing Empire found a shortcut to solving territorial issues on the frontiers of Manchuria and Mongolia, laying the foundations for the empire to exercise sovereignty over the western borderlands. With the strengthening of imperial centralization, in the 5th year of the Yongzheng reign (1727), the Qing government set up the Office of the Grand Minister Resident of Tibet to further strengthen their sovereign rule over Tibet.

The Qing government issued a series of constitutional documents or constitutional conventions to regulate the Grand Minister Resident of Tibet. For instance, the Code by Imperial House for Ministry for Tribal Affairs, and Collected Statues and Precedents of the Qing Dynasty recorded the details of the work by the Grand Minister Resident of Tibet during his term of office and were used as detailed rules for the Grand Minister Resident of Tibet. The following constitutional documents are of greater importance, the Regulations for Better Governance in Tibet (13 Articles) issued in the 16th year of Qianlong (1751), Issues on Establishment of Stations and Demarcation in Tibetan Areas Recovered from Nepalese Invaders (19 Articles) issued in the 54th year of Qianlong (1789), Issues in Tibet (10 Articles) issued in the 55th year of Qianlong (1790), the Ordinance by the Imperial House Concerning Better Governance in Tibet (29 Articles) issued in the 58th year of Qianlong (1793), and the Proposal on Correcting and Banning Longstanding Malpractices of the Tibet Local Government (28 Articles) issued in the 24th year of Daoguang (1844). Based on the contents of these constitutional documents, the imperial administration of Tibet focused mainly on the control of sovereignty, leaving specific local administration to Tibetan local government under the theocracy system. This was reflected in the delicate relationship between the Dalai Lama and the Panchen Lama and the Grand Minister Resident of Tibet.

On the relationship between the central government and Tibetan local government, on the one hand, the central government established the basic political relationship between it and Tibet through the conferring of "Dalai Lama" and "Panchen Lama" status. Tibet had to acknowledge the central government had the highest political sovereignty. On the other hand, the central government also confirmed the orthodox position of the Yellow Hat Sect and the status of the Dalai Lama and the Panchen Lama as the supreme religious leaders. Of course, reliance on religious control alone was insufficient for the central government to control

local government, so it dispatched the Grand Minister Resident of Tibet to administrate political affairs directly or indirectly on behalf of the emperor. It should be noted that the Grand Minister Resident of Tibet stood on the equal political footing as the Dalai Lama and the Panchen Lama. They were all directly responsible to the emperor rather than the central government authorities (such as the Ministry for Tribal Affairs). What the emperor needed to do was to rule Tibet by combing the political power of the Grand Minister Resident of Tibet with the religious power of the Dalai Lama and the Panchen Lama so that the two powers could join forces. At that time, it was inevitable for the Grand Minister Resident of Tibet, himself a religious believer, to kotow to the Dalai Lama and the Panchen Lama. This practice was severely criticized by the emperor since the Grand Minister Resident of Tibet, as the emperor's representative, should not lower his status of the sovereign. Thereafter, the constitutional practice was formed that the Grand Minister might not bow or kowtow to the Dalai Lama and the Panchen Lama during his tenure, thereby separating the state system from personal belief. Through the establishment of the above series of constitutional documents and the system of the Grand Minister Resident of Tibet, the central government wielded sovereignty over the Tibetan local government. This is demonstrated by the following measures.

Firstly, the land (territory) of Tibet belonged to the central government, specifically to the emperor under the sovereignty principle that "All lands under Heaven belong to the emperor." The Qing government enfeoffed such persons as the Dalai Lama, Panchen Lama and Lazang Khan. Once enfeoffed, the leaders of ecclesiastic and secular nobility in Tibet in turn issued "In light of the imperial decree" letters of enfeoffment to subordinate aristocrats and temples, conferring on them the legal ownership of land. The aristocrats who received letter of enfeoffment would often also apply to the Grand Minister Resident of Tibet to issue them the letter too. Meanwhile, the Grand Minister Resident of Tibet also issued tokens to determine the resettlement of runaway slaves and payment for corvee labor. It was absolutely possible for the Qing government to change the ownership of the land through changes in administrative division, enfeoffment, awards, confiscation of land as well as property, and other means. The aristocrats receiving the awards had to pledge allegiance to the emperor and bear the appropriate corvee labor and taxes; otherwise the imperial court was entitled to recover the enfeoffed land.

Secondly, military matters, foreign affairs and currency management were the preserve of the central government. The Qing government stationed troops in Tibet. The entire military establishment and weapons were specified by the imperial court and led by the Grand Minister Resident of Tibet. Diplomatic protocol with surrounding vassal states, such as tributes, feasts, trade, and so on was handled by the Grand Minister Resident of Tibet on behalf of the imperial court. Travelers and merchants coming from neighboring countries to Tibet, or personnel dispatched abroad by the Dalai Lama had to apply to the Office of the Grand Minister Resident for passes.

Thirdly, the power of personnel appointment in monastic and secular circles rested with the central government. Under the old custom, the reincarnation of the Tibetan Living Buddha was determined by divination, a process actually

manipulated by the upper nobility and leading to controversy and unrest. In order to promote the Yellow Hat Sect, Emperor Qianlong provided the system of "Drawing Lots from the Gold Urn" under which the names of candidates for reincarnation were put into a gold urn and the winner was decided by the drawing of lots. It was a fair system and prevented local religious forces from manipulating the Living Buddha. However, in order to demonstrate the central sovereignty, the names of candidates to be put into the Gold Urn were subject to the consent of the Grand Minister Resident of Tibet who could remove some of the names. In addition to this system, the involvement of the Grand Minister Resident and the approval of the central government were essentials for the recognition, enthronement, enfeoffment, scripture study, assumption of duty and parinirvana of the Dalai Lama and the Pachen Lama, as well as in the choice of regents when the Dalai Lama and the Pachen Lama were young. Moreover, the central government also had the power to appoint and manage secular officials, including the setting of regulations, appointment and management. When a Kalon (minister) vacancy came up, the Grand Minister Resident and the Dalai Lama should jointly propose two lists and submit them to the emperor for selection. Central government having charge of personnel appointment in monastic and secular circles promoted rationalization and bureaucratization, and greatly raised the management standard in Tibetan politics.

Fourthly, the Grand Minister Resident of Tibet also possessed the power of judicial supervision. For example, any dispute between the Han and the Tibetan had to be reported to the Grand Minister Resident who could send personnel to hear the issue together. Equally, any dispute among the Tibetan involving the confiscation of property should be reported to the Grand Minister Resident who had the right to carry out investigation and correction. Unfortunately, this means of judicial power control did not give rise to a common law system like that of Britain.

In the political spirit of "maintain its religion and education, respect the customs; unify the government orders, take appropriate measures," the Qing Empire's governance of Tibet largely reflected the idea of "one country, two systems." The main role of the Grand Minister Resident of Tibet was to demonstrate the central government's exercise of sovereignty there rather than the day-to-day administration, the latter being the function of the Dalai Lama, the Panchen Lama and the Kashag government. If we make a simple comparison between the Ordinance by the Imperial House Concerning Better Governance in Tibet (29 Articles) issued in Qianlong's reign and the central government's "Twelve Basic Policies" on Hong Kong, we will find that at least from the angle of constitution, the control of sovereignty over Tibet was way stronger in Qianlong's reign than the control of Tibet in the early days of New China and the current control of Hong Kong by the central government. We, of course, should not understand the Liaison Office of the Central People's Government in the Hong Kong S.A.R. (the Hong Kong Liaison Office) as the system of the Grand Minister Resident of Tibet, or equate the Hong Kong and Macao Office of the State Council to the Ministry for Tribal Affairs in a simple manner. Nevertheless, it's difficult to deny that the two share striking similarities in political function. In comparison, as its status is not specified in the Basic Law, the Hong Kong Liaison Office cannot exercise national sovereign

powers or administrative rights in Hong Kong. One of its most important functions is to liaise with all sectors of the community. However, real constitutional politics does not reside in the text of the constitutional documents but in the power structure that actually operates in real political life. While the constitution gave the Grand Minister Resident of Tibet many major powers, in practice he had limited capability to exercise those powers. This is particularly true that in modern times since the sovereignty of a modern state lies in the people, the greatest power is not the exercise of executive power, but the political forces generated by mobilization of the masses. The different operating structures of power precisely reflect the fundamental distinction between the classic way and the modern one. The "modern way" took hold from the time of the Qing government's practice of gaituguiliu, meaning replacing hereditary native officer by either limited tenure appointments or appointed officials by the central government, a move prompted by the weakening of central authority.

When the Qing Empire was strong and prosperous, the "one country, two systems" way of administration functioned effectively, and the central government's control of sovereignty over Tibet grew stronger. However, as the Qing Empire neared the end of its days, a growing fissure between the "two systems" severely impacted the "one country" principle. Facing the danger of disintegration of "one country," the Qing government promoted a series of modernization programs, subsequently called the "new policies of the late Qing." These included reforms to the governance of Tibet by introducing the gaituguiliu system. In the early years of the dynasty, with the aim of consolidating national sovereignty, the Qing government implemented a policy of control through conciliation in Tibetan and Mongolian regions, i.e. the "one country, multi-system" policy. This allowed them the time and energy needed for reforming the chieftain system of minority ethnic groups in six southwestern provinces namely, Yunnan, Guizhou, Guangxi, Sichuan, Hunan and Hubei. Here the Qing government abolished hereditary rule by local aristocrats over these minority ethnic groups, and replaced it with liuguan, local officials appointed by the central government with a fixed term of office. On top of this, the government implemented modernization activities such as checking on household occupants, measuring land, collecting taxes, building schools, and so on. After completion of these measures, ethnic minorities in the southwest were placed under the direct control of the central government consolidating the southwest frontier, as central authority weakened in the later Qing Dynasty and a part of their "new policies" Chao Erh-feng, formerly Minister of Sichuan and Yunnan Border Affairs and later Grand Minister Resident of Tibet, implemented gaituguiliu in Chuanzang (later renamed Xikang). The greatest impact of the modernization in Tibet was the separation of religion from politics and the promotion of Confucian culture. After the collapse of the Qing, the government of the Republic of China kept implementing the gaituiuguan modernization policy, despite its weakened administrative power. Admittedly, the policy did consolidate national sovereignty and strengthened the centralized authority. Yet as central power trickled down, it intensified the conflicts between different religions, cultures and ethnic groups,

which were unconducive to the stability of Chinese society, or to creating unity among different ethnic groups.

After the founding of New China, the central government abandoned the gaituguiliu policy, notably the Han chauvinism which favored assimilating minority ethnic cultures into Han culture. This new approach was based on the principle of justice that all ethnic groups are "equal" despite difference in their sizes, affirmed the contributions of all ethnic groups to the history of Chinese civilization, and in consideration of the concept of a unified Chinese nation thus formed. Returning to the tradition of peaceful coexistence of the Chinese nation's multiple ethnic groups, the government adopted the idea of ethnic identity and ethnic regional autonomy, directed by the historical reality of "multiple ethnic groups living together over vast areas, with some living in individual concentrated communities in small areas." Thus, various ethnic minorities, including Tibetans, avoided the tragic fate and homeless life of Native American tribes. The shift in policy is largely attributable to the "17-Article Agreement" concluded during the Peaceful Liberation of Tibet. Signifying a return to the way of governance of the early Qing Empire, the Agreement helped win the support of the high nobles in Tibet and achieved the Peaceful Liberation. It is within this context that we begin to understand the significance as to why Mao Zedong inserted the phrase "and leaders in Tibet" into Deng Xiaoping's "Ten-point Policy"—to acknowledge the role of the top leadership of Tibetan lamas and nobles, to realize "one country, two systems" and to prevent any radical modernization program that relied only on the grass-root masses. The advocacy of "one country, two systems" implied Mao Zedong's profound insights into promoting modernization. When revising the text of a People's Daily editorial on the signing of the "17-Article Agreement" on May 26, 1951, Mao Zedong wrote that "If reforms of the existing systems like politics, economy, culture and religion, and reform of customs and manners are not carried out voluntarily by people of a certain ethnicity or by leaders closely connected to the people, but imposed by the Central People's Government with orders, or executed rigidly by staff members from Han or some other ethnicity, it would only result in ethnic resentment and could not serve the purpose of the reform." From then on, the central government's Tibet policy has always harbored a push-pull between upper class lamas/nobles and the lower class, between the classic governance of "one country, two systems" and the modern gaituguiliu plan, and between the central government's ethnic policy and its class approach. Amidst such a tension, Mao undoubtedly took a conservative stance. In January 1952, Xi Zhongxun, the then Second Secretary of the CPC Northwest Bureau and Vice Chairman of Northwest Commission of Military Affairs and Politics, recommended in a report to Mao Zedong that the land reform should be postponed in Tibetan-inhabited areas in China's interior [i.e. not in Tibet itself], and that lamasery land should not be involved in the reform; in particular, early expropriation of lamasery land would be unfavorable to communists. Mao Zedong forwarded the report to people like Li Weihan, the then Minister of United Front Work Department of the CPC Central Committee and Director of Ethnic Affairs Committee, to "discuss and send a reply" together with the comment that "Comrade Xi's comments should be considered

seriously." Unfortunately, the active promotion of a radical modernization program by local governments and people in Tibetan-inhabited areas, plus the rebellions of upper nobles in Tibet, eventually led to the failure of the "17-Article Agreement." Subsequently the Tibet Autonomous Region was incorporated into a large-scale modernization campaign (see Chap. 8).

However, riots erupted in Tibet in March 1989 and March 2008, causing people to reflect on the purely economic modernization program. If the "17-Article Agreement" for Tibet inspired the Hong Kong Model based on the "one country, two systems" successfully implemented in today's Hong Kong, this should take our vision beyond simple prefecture-county-nation state modernization and into reflection on the diversified and unified constitutional structure of Chinese civilization (see Chap. 9). In this sense, the strategy adopted by the early Qing Empire to expand territories through Buddhism has something to teach us, because the political importance of Buddhism is no less than the political influence of trade with South and Southeast Asia or with Northeast and Mongolia.

7.4 IV

> The separation and reunion of Taiwan, Hong Kong as well as Macao with Chinese mainland is a major topic for the future development of the macrohistory of China. The unfolding of human events on a large scale follows certain cause-and-effect relationship independent of any individual's wish, let alone his moral aspiration.[5]

The historian Ray Huang discussed the ancient and modern history of China and the West from the perspective of "macro history." However, it more or less conveyed a sense of "destiny" in historical determinism. He repeatedly emphasized that the key factor of this "destiny" was "mathematically manageable." Thus, he maintained that "one country, two systems" was nothing particularly special, being simply one of many cases of what is mathematically manageable and a commonplace in the history of mankind. For example, taxation in north China differed from that in south China under the Yuan Dynasty. In the North the concept of a tax package took hold, under which each household bore three kinds of tax—grain, corvee or military service, cloth and other materials. In the south, however, the Yuan assessed land taxes on acreage. And tax was paid in currency twice a year. Disagreement on slavery in America had led to two different systems, the anti-slavery one in the north and the pro-slavery in the south; in the 17th century, Britain enforced both common law and the law of equity; Dutch used to employ a federal system, and so on.

Mathematical manageability does make sense in the discussion of economic issues like fiscal taxes, but it is inadequate for deeper exploration of political and cultural issues. None of the examples adduced—the two different systems on slavery in the northern states and southern states of the United States, the

[5]Huang, R. (2002) *China: A Macro History*, (in Chinese), Beijing: Joint Publishing House, p. 295.

coexistence of common law and the rule of equity in Britain, the divided government of the North and the South in Yuan Dynasty—are analogous to the "17-Article Agreement" concluded for the Peaceful Liberation of Tibet, and the "one country, two systems" solution in Hong Kong.

The consistency at a technical level obscures the fundamental differences politically and culturally. We cannot help but asking "what is history when you come down to it?" What does the "macro" mean in "macro-history"? So-called "mathematical manageability" merely interprets human history as a "history of governance" of financial and economic issues, during which man is a program in the rational process of what is "mathematically manageable" and a puppet of historical destiny.

Ray Huang derived his idea of "mathematical manageability" from Max Weber. In his exploration of the rationality of the economic sector, the latter put particular emphasis on the "formal rational law" and the rational calculation between the ends and means in finance, accounting, corporation and other techniques. Ray Huang generalized these concepts as "mathematically manageable." Nevertheless, behind Weber's "mathematical manageability" stood the Protestant ethic of dedication to the "calling." It was a completely rational attitude towards an unfathomable other world ruled by God. As a result, being "mathematically manageable" implies the moral pursuit of a complete free man in this imperfect world of the perfection of the other world. In comparison, Weber saw Chinese Confucianism as not having such a tension between the two worlds and even as endorsing Taoist sorcery. Thus, Chinese religions were still folk beliefs which had not been completely rationalized or developed to the level of rationality of Christianity. Weber's discussion of the sociology of religion we see glimmers of the influence of Hegel's *The Philosophy of History*. Hegel placed China at the lowest point of a rational universal history, and Germany at the highest point or the endpoint of the development of universal history. From these we see that Ray Huang not only overlooked the tension of Weber's concern on social rationalization and ethical rationalization, but consciously or unconsciously accepted the historical destiny of world civilization (religion) implied in Weber's "mathematical manageability". So, looking into Chinese history with a "value-free" social science approach, Ray Huang actually accepted the value ordering implied in Western social science, objectively strengthening the argument that the Western world's subjugation of China was necessary, preordained and legitimate.

Clearly, this approach does not show the unique political contributions of "one country, two systems"; still less does it give an understanding of the ideas behind it, meaning—on the way of Heaven and human relations, and their political importance as regards the Chinese people's fate. It is only under such a view, which transcends the "mathematically manageable" objective destiny that exhibits the true side of history. That is the "macro" side of history is constituted by the spirit and living style of people in the face of destiny and the human civilization thus created. Therefore, to truly understand the significance of "one country, two systems" in human civilization, we need to go beyond the concept of "mathematical manageability" and examine modern political history and the development of human civilization under the searchlight of "macro" history.

Chapter 8
The "One Country" Conundrum: Country Versus State

8.1 I

On 7 April 1959, soon after the rebellion in Tibet by the upper nobility, Mao Zedong wrote a letter to Wang Feng, the Deputy Minister of the United Front Work Department and Deputy Director of the State Ethnic Affairs Commission, asking Wang to look into the Tibet issue. At that time, the Second Zhengzhou Meeting had just wrapped up and Mao was making every effort to address the shortcomings of the people's communes being "large in size and collective in nature." The rebellion in Tibet came unexpectedly, forcing Mao to set aside economic issues and focus on Tibet. In the letter to Wang Feng, Mao listed 13 questions, requesting Xinhua News Agency and the provincial party committees of Tibet, Qinghai, Gansu and Yunnan to help gathering data. The 13 questions reveal the basic starting point of Mao Zedong's thoughts on Tibet. Similar to the *Report on an Investigation of the Peasant Movement in Hunan* written by him as a young man, these questions also took class composition as the starting point for understanding the structure of Tibetan society, thus revealing class contradictions and class struggle. Therefore, Mao Zedong was concerned about the relationship of economic exploitation existing between Tibetan serfs and serf-owners (the nobles) (e.g. product distribution ratio, their proportions in the population, forms of exploitation, etc.) as well as the relationship of political oppression (e.g. illegal punishment and grievance venting activities). In this way, he grasped the nature of the rebellion in Tibet. Soon afterwards, with a clearer understanding of the issue, Mao Zedong made several speeches on different occasions, such as the Supreme State Conference, and set forth the central government's policy on Tibet. In one of the conversations to foreign leaders, he said:

> Some have asked why the Communist Party of China has not resolved the Tibetan issue over so long a time. It is mainly because our Party had little contact with Tibetans. We have intentionally postponed the social reform in Tibet. We reached a verbal agreement with the Dalai Lama that we would carry out democratic reform in Tibet after 1962. Before that, the

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S. Jiang, *China's Hong Kong*, China Academic Library,
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> conditions would not be mature. It also has something to do with Tibetan serfdom… Now the conditions are ripe, and we do not have to wait until 1963. We should thank Nehru and the Tibetan insurgents for that.[1]

In fact, in 1956, Mao had sent word to the Dalai Lama by Zhou Enlai, that the reform after 1962 was a question to be determined according to actual circumstances and conditions at the time. Even so, the "17-Article Agreement," a source of inspiration for the idea of "one country, two systems," was merely a temporary constitutional document signed by the central government for the Peaceful Liberation of Tibet. It only guaranteed to keep the "one country, two systems" unchanged for a decade, not to keep it unchanged for half a century and further that change would be not necessary after the 50 years. Why was Deng Xiaoping able to ensure the coexistence of capitalism and socialism, two incompatible systems, for 50 years, while Mao Zedong could not guarantee to keep theocratic serfdom in Tibet unchanged for 50 years? This question is one of the huge puzzles to political philosophers of ancient or modern schools, of the Chinese or western variety.

8.2 II

The conflict between socialism and capitalism essentially is the choice between two different roads to modernization. In other words, the two systems represent an internal conflict over modernity. In a sense, we could say that socialism was actually born out of capitalism. If not for the Cold War ideology, socialism and capitalism could coexist peacefully. Examples of it could be seen all over the world. For instance, modern Western welfare states have resolved the labor and capital conflicts of the 19th century. Also Marxism has given rise to democratic socialism in Europe; and socialism with Chinese characteristics has absorbed elements of the market economy and legal states, both of which originated in capitalism. Whether capitalism or socialism, they both were built on modernity. The two different modernization programs were built precisely on the premise of the Enlightenment and democratic politics that aimed at the complete overthrow of Christian theocracy and feudal aristocracy. Both regarded sovereignty of the people as the foundation stone of politics. In terms of political philosophy, neither the KMT's Three Principles of the People, nor the socialism of the CPC would tolerate the presence of theocracy and serfdom in Tibet in the pursuit of building China into a modern nation. The clash indicates a life and death struggle between the classic and the modern. Resembling Martin Luther's Reformation and the French Revolution, it was a fight centered on the modern concept of freedom. Today, in view of the policy adopted by Mao to quench the 1959 rebellion in Tibet, we must take the side of modernity, and the side of the Lutheran Reformation, Britain's Glorious Revolution, the American Revolution and the French Revolution. Mao Zedong

[1] *Collected Works of Mao Zedong,* Beijing: People's Publishing House, Vol. 8, p. 61.

emphasized that the key to resolving the issue of Tibet rested on two points: "The first step is to carry out democratic reform, handing the land of serf owners over to the serfs. The second step is to organize co-operatives."[2] The first step was to replace the divine rights of monarchy with sovereignty of the people. The second step was to develop modern economy and improve people's livelihood. These were the political side and economic side of the same modernization program.

The Tibet issue was far more complex than this, however. The modernization program of democratic politics and economic development actually had a bearing on the construction of modern China's sovereignty. Let us start with the breaching of the "17-Article Agreement." There are two stories about this. The central government holds that Tibetan insurgents, instigated by foreign forces, vitiated the "17-Article Agreement" by rebelling. Whereas the Dalai clique in exile claims the central government violated the "Agreement" by carrying out the land reform and agricultural cooperativization, which impacted Tibet's economic and cultural system. Both versions of the story have some truth in it. It is an indisputable fact that American and British forces kept instigating the Dalai clique to push for independence. The recently published book entitled *Legacy of Ashes: The History of the CIA* by Tim Weiner gives a detailed account of the historical facts of how the CIA instigated the Tibetan insurgency. We don't need to elaborate how Tibetan nobles publicly called to "restore Tibetan independence," "Chinese get out of Tibet" in the "People's Assembly" and started a rebellion. However, it is also true that the central government advocated land reform which confiscated the land of temples and wrote off the debts of Tibetan serfs. So, what is the crux of the opposite arguments? Let us start with the land reform, the direct cause of the conflict.

After the founding of New China, the central government gradually advanced the land reform movement, pushing it from formerly KMT-controlled areas gradually to the areas where resided various ethnic minorities. In the regions where the Tibetan resided, however, the land reform began from Sichuan Province and Yunnan Province, and gradually extended to Qinghai Province and Gansu Province. It should be noted that, prior to the rebellion in Tibet, the central government had never carried out any form of land reform in the "Tibet Autonomous Region." Its approach was clearly in line with the provisions of the "17-Article Agreement" because "Tibet" as used therein referred to "Tibet Autonomous Region," an administrative jurisdiction with clearly defined boundaries. One of the fundamental symbols of a modern sovereign state is to delineate precise boundaries and realize effective management according to the administrative division. Thus, by the logic of modern politics, "Tibet" must be understood as an administrative jurisdiction with a specific geographical area. As a result, land reforms in Qinghai, Gansu and Yunnan did not violate the "17-Article Agreement." It is out of the question that the central government violated the basic law of the "17-Article Agreement."

[2]Ibid, p. 62.

However, when modern China had long "opened its eyes onto the world," the Dalai Lama remained steeped in the ancient world. Under theocratic political rule, political power is exercised by ethnicity and religion and not built by citizens within the geographical boundaries of the state, and the right to rule is not bound by natural territory. In the view of the insurgents, since the "17-Article Agreement" specified that the "established status, functions and powers" of the Dalai Lama and Panchen Ngoerhtehni would "be maintained," the Dalai and Panchen Lamas ought to have the ultimate right to rule over all Tibetan Buddhists both politically and religiously. The right to rule was bound to go beyond the geographical boundaries of the Tibet Autonomous Region and cover Tibetan people living in Qinghai, Sichuan and Gansu, directly governed by the central government. Even today, the Dalai Lama still regards Tibet as all regions inhabited by Tibetan people rather than the administrative jurisdiction of the Tibet Autonomous Region. The Dalai upholds the so-called "Greater Tibet" including all of Qinghai, and Tibetan settlements in Gansu, Sichuan and Yunnan. As a result, when the new China began its land reform in other provinces, the interests of top Tibetan rulers were in jeopardy. These people organized a series of resistant and insurgent actions, and the majority fled to Lhasa to seek help from the Dalai Lama. This inevitably affected Tibetans within the Tibet Autonomous Region and gave "pro-Tibet independence" activists an excuse. The activists claimed it was the central government who tore up the "17-Article Agreement" first by implementing the land reform. It was actually a conceptual misunderstanding of the geographical implication of "Tibet" mentioned in the "17-Article Agreement." The "Tibet" in the perspective of administrative jurisdiction is entirely different from the "Tibet" in the perspective of religion and ethnicity. The disagreement on the understanding of "Tibet" actually reflected the fundamental difference between the classic and the modern, the religious and the secular. The young Dalai Lama was in a bind, he had to either give up his theocratic rule and the political responsibility for Tibetan people in other provinces, or ask the central government to give an explanation. Back then, the lack of any effective communication and negotiation mechanism hampered any resolution of the different understandings of the "17-Article Agreement." Eventually, followed a plan masterminded by the CIA, the young Dalai Lama started the long journey of exile.

Some might ask that supposing the central government had not implemented the land reform, would the "17-Article Agreement" have been effective in the long run? In fact, land reform was inevitable in the Tibetan region since it was part of the top-down modernization driven by the central government and also part of the bottom-up emancipation demanded by Tibetan serfs. What appeared as an ethnic conflict was actually class contradiction. From the Long March to the liberation of the Southwest and Northwest parts of China, a large number of poor Tibetans joined the People's Army and the CPC, looking for hope for the future. They were longing for emancipation and mastership of their own home. At that time, a great many of poor Tibetans supported the liberation of Xichang by the PLA. The central government paid the Tibetans working on the highways to Tibet. This directly affected the Khral-Ula corvée, which had lasted for centuries in Tibet. Besides, the central government provided free schooling for children in Tibet, which directly

undermined the traditional temple education system. Moreover, the central government trained Tibetan serfs into cadres and converted some of them into Party members. This undoubtedly upset the political system and social hierarchy of Tibetan theocracy. All of these demonstrated that the implication of "one country, two systems" in the "17-Article Agreement" involved a push-pull between Tibetan ethnic identity and Chinese citizenship, between religious faith and national allegiance, and between the class policy and ethnic policy of the CPC in state-building.

To build a modern sovereign state, the premise is to achieve equality through individual freedom and liberation. In other words, individuals should be freed from the manacles of feudal, family, manor and ethnic status and join together to forge a modern sovereign state through social contract. According to Henry Maine, this liberation a movement is a process "from status to contract." During the process, individuals display some commonalities which make them citizens rather than private persons. The combination of all citizens becomes the "people." Thus, the result of social contract is that the people master the highest political power of the state and their "general will" constitutes "people's sovereignty." In the modern age, the fundamental political task of China was to achieve the transition from traditional imperial system to a modern sovereign state.

In accordance with the construction of the modern state, national sovereignty must be rooted in individual citizens who are equal to each other, which necessarily requires each citizen to place national sovereignty above his/her family, tribe, religion and ethnicity. Therefore, the central government had to encourage the Tibetan people to be more devoted and loyal to the state than to the Dalai Lama. It ought not to sacrifice class policy for ethnic policy by forsaking the allegiance of the emancipated serfs to the CPC and New China and sending them back to the rule of serfdom. In a sense, the tension between the equality-oriented class policy to emancipate the toiling masses and the ethnic policy to maintain the rule of leaders of Tibetan nobility under "one country, two systems" was escalated by the vigorous land reforms in the Tibetan regions, driven by the longing for liberation on the part of disadvantaged Tibetans and the enthusiasm of local governments. To exercise sovereignty in Tibet, did the central government have to rely on the lower toiling masses or the religious leaders and upper nobility? We had to weigh and consider the realities of the political environment to find how to rule, and strike a balance between such two political principles as pursuing the political ideal of equality and the maintenance of the rule of feudal nobles. During its Civil War, the United States faced similar problems. When black slaves fled to the North, should they be reclaimed by the South according to the Fugitive Slave Act? Emancipation or slavery, this was the choice facing President Lincoln and his American Republic on the eve of the Civil War, and also the choice for Mao Zedong, with "his thin face, looking like Lincoln" and his CPC before the Tibetan rebellion. When the Dalai Lama was still immersed in the Buddhist world of tolerance and compassion, Mao Zedong stood on the highest point of modernity, embarking on a Buddha-like course in another kind of religious feeling. He planned to build a modern sovereign state for the first time in Chinese history, a communist nation where all working people are equal regardless of their race, ethnicity, gender or occupation. He wanted

to create the heavenly Shambhala on the earth. Hitting the right path towards "universal brotherhood," Mao Zedong made a speech in his usual witty and confident manner on putting down the rebellion in Tibet, admitting that he was not religious and was waiting for the Dalai Lama to give up his world outlook, take the side of the people, and return to the family of the motherland.

As an expedient measure for the Peaceful Liberation of Tibet, the "17-Article Agreement" could not be an enduring national policy. The central government had made the position clear at the outset that Tibet would eventually undergo democratic reform and land reform and implement ethnic minority regional autonomy. Since the "17-Article Agreement" contained structural conflicts between tradition and modernity and between religion and secularity, its failure was merely a tactical mistake rather than an error of principle. Hence, the policy of "one country, two systems" implied in the "17-Article Agreement" was merely a tactic, not a political objective. Its essence lay in the affirmation of the logic of history and reality, and the adoption of a progressive way of reform acceptable to the society and avoiding the shocks of a stormy revolution. In the years followings the founding of New China, China adopted the idea of progressive reform in transforming capitalist industry and commerce. From public-private partnerships to peaceful buy-outs, the moderate policy of gradual improvement achieved great success. Mao Zedong had always emphasized that Tibetan lamas and nobles should accept land reform in Tibet and should not make trouble. In April 1956, the Preparatory Committee for the Tibet Autonomous Region was set up. In August, Mao Zedong replied to the Dalai Lama's letter in person: "I'm glad to hear that social reform in Tibet is under discussion. This is not yet the time to implement the reform. We should discuss about it and make adequate mental preparations first. We'd better carry out the reform after we all think it through and have all the aspects arranged, then it will proceed with less trouble. It is best not to have any trouble."[3] At that time, although social reform hadn't yet taken place in Tibet, public opinion about reform was fueling fear among the upper nobility of Tibet. In light of this tension, Mao added the following words in his reply telegram to the Dalai, reiterating the central government's position on the Tibet issue:

> The Central Government and Chairman Mao have always maintained that the reform must be carried out with the consent from the Dalai Lama, Panchen Lama and monastic leaders. It should not be implemented before conditions are sufficiently ripe. At present, neither the upper class nor the people are ready for the reform. Thus, it will not happen for the next few years. The central government deems the second Five-Year Plan period too soon to implement it and we shall decide whether to implement it in the light of the actual situation in the third Five-Year Plan period. However, if counter-revolutionaries instigated by foreign powers prefer undermining the 17-Article Agreement and destroying Tibet through rebellion and war to negotiation, the working people could be aroused to rise up and overthrow the feudal system and establish a people's democracy in Tibet.[4]

[3] *Manuscripts of Mao Zedong after the Founding of the PRC*, Vol. 6, p. 173.

[4] *Manuscripts of Mao Zedong after the Founding of the PRC*, Vol. 6, p. 265.

Now, we can see clearly that although Mao Zedong did take the "17-Article Agreement" as the constitutional document for the central government to handle the Tibetan issue, stressed progressive reform in this context, and even proposed to extend the "17-Article Agreement" once the agreement was undermined by the Tibetan nobility, he would accelerate the modernization process of bureaucratization of native officers, and build up a "people's democracy in Tibet" relying on the "working people." Maybe Mao Zedong was not joking about "thanking Nehru and Tibetan insurgents" because he truly meant it.

Mao Zedong planned to create a "people's democracy in Tibet" through the "working people." Does this mean the construction of national sovereignty of the New China also depended on the creation of a "people's democracy in China" through the "working people"? This was actually the core issue in the construction of national sovereignty in modern China. If "sovereignty of the people" lays the foundation for the construction of sovereignty in a modern state, then who are the "people"? In modern China, the heart of this political debate lay in the two facets of the notion of the "people," namely, the "class" issue and the "ethnic" issue. As regards the class issue, the debate over "The Three Principles of the People" and "New Democracy" and the debate over "New Democracy" and "Socialism" centered on the construction of political sovereignty, leading to the national revolution, the new-democratic revolution and the socialist revolution, or the continuing revolution under the dictatorship of the proletariat. Today's "Three Represents Theory" and the debate between the liberals and the new leftists also unfolded against this background. On the issue of "ethnicity," modern history has witnessed a shift from "expel the Manchus" to "Republic of Five Nationalities" from "Han, Manchu, Mongolian, Hui and Tibetan belong to the same family" to the "Chinese nation," resulting in the "17-Article Agreement" and regional autonomy of ethnic minorities. The issue of Tibet also emerged against this background. From the perspective of "class" the debate on the subject of the "people" in modern times is actually a debate on political leadership and dominance, and if it is discussed from the perspective of "ethnicity" it is actually a debate on territory and history. Bearing in mind the context, we can understand that the argument at the preparatory meeting of the CPPCC in 1949 on whether the name the New China "Chinese People's Democratic Republic" or "People's Republic of China" was not one about grammar (those against the "Chinese People's Democratic Republic" thought it cumbersome to put "people's" and "democratic" together), but about the construction of national sovereignty. "People's Republic" meant the "people" form a "republic" on the basis of "class" and "ethnicity." It meant a "republic" of the four classes, i.e., the working class, the peasantry, the petty bourgeoisie and the national bourgeoisie, through "political consultation." It meant a "republic" of all ethnic minorities and Han people based on the "regional autonomy of ethnic minorities." "Class equality" and "ethnic equality" were "prior restraints" on the construction of "sovereignty of the people" and the "prior restraints" became the cornerstones of New China's constitution. In this way, "political consultation," "regional autonomy of ethnic minorities" and "People's Congress" formed a "trinity" in the New China's constitution. Conversely, in the advocated "People's Democratic Republic,"

"democracy" would likely to be understood as the rule of the majority. The "People's Democratic Republic" was likely to evolve into the "dictatorship of the proletariat" after "democratization" of the four classes (the minority becoming subordinate to the majority), and into joint rule by the "working people," i.e. the majority workers and peasants. Similarly, because Han people account for the majority of the population, the "People's Democratic Republic" might develop into a "republic" of Han dominance and assimilation of ethnic minorities.

Therefore, when Mao Zedong emphasized "the working people could rise up and overthrow the feudal system and establish a people's democracy in Tibet," he was actually imagining a "people's democratic republic." The idea differs both from that in the "17-Article Agreement" and that in "people's republic." Although by its nature temporary, the "17-Article Agreement" had a tragic end. If we compare the "17-Article Agreement" with the central government's "Twelve Principles" in its Hong Kong policy, in particular how the two ended up very differently, we can truly sense the political imagination and allure of the "one country, two systems" concept. As a matter of fact, we learn from the failure of the "17-Article Agreement" that the idea of "one country, two systems" is particularly imaginative, embodying as it does a set of "theories of state against modern states" and resolving the modern dilemma (specifically, the Cold War predicament) in an anti-modern way. More precisely, it is a classic Chinese way of governance that wears a cloak of modernity.

8.3 III

The Chinese concept *guojia* actually embodies the meanings of two English words: country and state. Country refers to a political organization associated with a particular land, emphasizing the intrinsic relationship between the citizens and their natural territories. The people are bound together through the natural attachment to land. Thus, the concept bears the meanings of "motherland," "territory" and the "countryside." Whereas state stands for a political organization constructed through abstract legal systems, and focuses more on the intrinsic relationship between "citizen" and "national polity." It binds the citizens together through legal relationships. So, the concept of state bears the meanings of "government," "public authority," and "polity."

A state in the modern sense should bind all citizens together through an abstract legal mechanism. Deprived of natural factors such as region, clan, ethnicity, religion and culture, all citizens are abstracted into rational persons with rational and natural rights under the natural condition. Based on calculation of their interests, they construct a state through the legal mechanism of social contract. In this sense, the state is not the object of emotional loyalty of citizens, but a tool or machine to protect their own interests. Rational calculation determines that, in real history, a modern state has to be built upon a single "nation," enabling it to divest a variety of traditional factors and develop into a nation-state.

The states emerging in modern Europe give a good demonstration of such homogenization. The impersonal, procedural and abstract modern mechanism dispenses with all historical and cultural connotations and removes all feudal, corporative, religious and traditional elements that bind emotions together. Despite drawing fire from historicism and romanticism and provoking controversy over systematic integration and social cohesion in social theory, the building of the modern constitutional state or legal state has undoubtedly laid the political and philosophical foundation of modern *guojia*, on state but on country.

If we explore the idea of "one country, two systems" following the political philosophy of the modern state, we will find many places are beyond explaining using the theory of modern state. The first problem concerns the identity of "citizens" who compose the modern state. Under "one country, two systems," there are two different sets of citizenship and the two kinds of citizen have different rights and obligations. The difference does not come from discrimination in areas such as gender and property. Rather, it is aimed at guaranteeing equality under the "two systems," similar to the condition that "the river water does not intrude into the well water." Based on geographical and historical considerations, China implemented such artificial separation through the Basic Law in pursuit of the status of "separate but equal." Hong Kong people hold different citizenships. The Basic Law endows people of Hong Kong all kinds of political freedom and rights, such as the right to elect members of the Legislative Council and the Chief Executive. However, Hong Kongers are not Hong Kong citizens, since citizenship reflects national sovereignty and Hong Kong is not a nation-state. For this reason, in the Basic Law, the "mini-constitution" of Hong Kong, Hong Kongers are referred to as "Hong Kong residents." Its Chap. 3 is entitled "Fundamental Rights and Duties of the Residents." Moreover, Annex III of the Basic Law applies the Nationality Law of the People's Republic of China to Hong Kong, making Hong Kongers Chinese citizens. Nevertheless, despite being Chinese citizens, they neither enjoy the fundamental rights specified in the PRC Constitution nor shoulder the fundamental duties required by the Constitution. The issue is made more complicated by the fact that even today many Hong Kongers are people with the right of abode in the UK, British Overseas Territories citizens (BDTCs, commonwealth citizens without the right of abode able to freely enter and exit Britain) or British National (Overseas), a fact that leaves China with the issue of "dual nationality."

In the earliest days of New China, whether to recognize dual nationality not only affected the nationality of overseas Chinese, but also impacted the relationship between China and the Southeast Asian countries, particularly Indonesia, with a large population of overseas Chinese. If dual nationality were recognized, it would mean overseas Chinese, notably overseas Chinese in Southeast Asia, being protected under Chinese laws and obliged to fulfill their civic obligations and declare political allegiance to China. This would inevitably lead to hostility against Chinese in Southeast Asian countries, causing these countries to remain wary and fearful of China. It would be detrimental to the living and development of overseas Chinese and unhelpful to improvement of relations between China and its neighboring countries. At the founding of New China, keeping good international relations with

surrounding countries greatly benefited the survival and development of the state in the international community. In consideration of the protection of overseas Chinese and the relations with surrounding countries, the Chinese government announced its rejection of "dual nationality." However, under the rule of the British Empire, most Hong Kong people, especially the elites, had obtained British citizenship, BDTCs, BN(O)s under the British Nationality Law. After reunification, the Nationality Law of the People's Republic of China automatically took effect in Hong Kong, and all Hong Kong Chinese became citizens of the PRC. Without recognition of dual nationality, the Hong Kong Chinese would have been forced to choose between Chinese citizenship and British citizenship, and many, predominantly elites, would have chosen to leave Hong Kong. This would be unhelpful for Hong Kong's economic and social development and for its political stability. When Chris Patten was promoting his political reform plan, he criticized that Hong Kong businessmen were "shoe shiners" for the Chinese government, and even sneered that "they only do so because they've got a foreign passport stuck in their pocket." Against this backdrop, before the return of Hong Kong, the NPC Standing Committee interpreted the PRC Nationality Law that, in the legal sense, China does not acknowledge the British citizenship of Hong Kongers and Hong Kongers are not entitled to the right of British consular protection at home and abroad. However, in actual practice, China allows Hong Kongers to use British passports and treats them as "travel documents" issued by Britain. The legal interpretation is full of political savvy as it neither recognizes dual nationality in law nor denies it completely. Even today, many overseas Chinese hold that China should implement dual nationality since Hong Kongers enjoy this under "one country, two systems."

Another issue is the construction of sovereignty in a modern state. The power of sovereignty permeates many fields in a modern state, going far beyond the traditional fields of defence and diplomacy. These two fields aside, the most important aspects of sovereignty include financial sovereignty (unity of customs and currency), legal sovereignty (unified national legal system and unified right of final adjudication), and cultural sovereignty (unified national education system). Under "one country, two systems" although the central government maintains a military presence in Hong Kong, the Hong Kong Garrison is different from its counterparts in the mainland due to the strict restrictions imposed by the Garrison Law. The HKSAR enjoys considerable diplomatic authority. In economic, social and cultural fields it even appears as an independent international entity. The most telltale sign is its participation in APEC Summits. The customs and currency in Hong Kong are completely different from those in the mainland. Hong Kong and the mainland are two different legal entities. The central government does not possess the judicial authority or power of final adjudication over cases in Hong Kong. Most of the mainland laws, even relevant articles of the Constitution, do not apply to Hong Kong. It is actually harder to carry out judicial cooperation between Hong Kong and the mainland than international judicial assistance. Hong Kong has an independent education system. Its official languages are English and traditional Chinese. After its return to China, Hong Kong promoted "mother tongue" education. However, the program taught Cantonese rather than Mandarin. As for entry

and exit control, have you ever seen citizens travel with so many restrictions in their own country? Besides, it is often a point of contention that Guangdong-Hong Kong Cooperation operates "a one place, two checks" system.

The above special features will inevitably result in the paradox between the "name" and the "actuality." In principle of law, China did not recognize Hong Kong as the colony of Britain, but in actuality that is what it was; in principle of law, China refused to regard the Joint Declaration as an international convention, but in fact it was recorded by the UN following the requirements on international conventions; in principle of law, Hong Kongers are Chinese citizens, but in actuality they neither enjoy the rights nor perform the duties specified in the Constitution; in principle of law, China does not accept dual nationality, but in actuality it does; in principle of law, the Basic Law was formulated by the NPC, but in fact it is a "mini-constitution" where does the paradox between the "name" and the "actuality" come from? It is because the legal system on state-building is rooted in the "names" of modern western political philosophy. Any political entity not in line with the system will lack legitimacy in principle of law. It demonstrates how modernity "coerces" daily life and the real world as critiqued by Michel Foucault in his *What Is Enlightenment?*. Similarly, modern Western political theories also "coerce" China's political reality. Our politicians and jurists are forced to come up with a complex, wise, and specious legal concept to cope with the "coercion" of modernity. Today, the difficult in explaining the theory of "one country, two systems" is how to escape being "coerced" by the concept of modernity. For instance, when it comes to the relation between central and local governments, the central government in a unitary state usually possesses greater power than that in a federation. In principle of law, we maintain that "one country, two systems" doesn't make us a federal state and we are still a unitary state. The paradox is that the HKSAR possesses more power in the unitary state than the local government in a federal state. Thus, we have to supplement the "unitary" concept in principle of law and name it a "high degree of autonomy." However, people would keep asking: how high is high? The answer is it depends on the provisions of the Basic Law. To avoid going around in circles, we have to put aside the concepts. The view of Professor Albert Chan Hung-yee is close to the actuality—Hong Kong is a "quasi-state" polity.

In fact, many of the problems in Hong Kong stem from the paradox between the "name" and the "actuality." For instance, Hong Kong returned to China over ten years ago, but an identity survey showed the number of Hong Kongers who think of themselves as "Chinese" has not increased much (actually, the questionnaire forced respondents to choose between "Hong Kongers" and "Chinese" which per se created two different identities of "Hong Kongers" and "Chinese." Had the question been a choice between "Chinese" or "not Chinese," there would surely have been a very great difference in the answers and effects). Thus, it is widely agreed that Hong Kong needs to strengthen citizenship education. However, Hong Kong people cannot join the army to defend China. They cannot receive national education or participate in National College Entrance Examination in the mainland. Further, they cannot sit the National Civil Servant Exam to serve the people. When they study in

the mainland, they are regarded as overseas students. If an ordinary citizen is unjustly treated, he/she has no way to seek justice from the state. Similarly, if a poor person lives in despair, he/she has no channel to receive relief from the state. In short, as long as these legally enforced estrangements exist, how can Hong Kongers' loyalty to China be improved? Identification as a citizen is no abstract legal concept. It emerges from a natural attachment when people feel their lives and destinies are closely related to an entity. The state is not an abstract symbol. It has a presence in people's daily life. Today, we are making slow progress in winning the hearts of Hong Kongers. This is probably because Hong Kongers face "treatment as non-citizens even though they are Chinese citizens."

However, due to the artificial legal segregation of the "two systems" in the eyes of Hong Kongers, both "state" and "citizenship" have become distant and abstract legal concepts since they lack life experience of and personal feeling for these concepts. The implementation of citizenship education is a case in point. Given an education system and cultural concepts independent of and different from those of the mainland, how could the SAR government develop a common national consciousness and identity between Hong Kongers and mainlanders? When patriotic education is often translated as cultural exchanges or sightseeing trips, progress is inevitably slow. In contrast, since the Individual Visit Scheme began, as mainlanders and Hong Kongers rub shoulders in the same busy streets, each casting a beady eye on the other, a more natural feeling between them has developed. It used to be that to speak English signified a high status in Hong Kong, and so mainlanders there had to speak English because speaking Mandarin could result in discriminatory treatment. After the return of Hong Kong, businessmen and some senior officials in the SAR government learned Mandarin, but they did so merely to deal with mainland or central government officials. However, since the Individual Visit Scheme, Mandarin has become one of the most important languages in Hong Kong, and there are louder calls for making Mandarin the language of instruction in Hong Kong education. A common language helps constructing "one country." Such achievement is not realized through organized cultural exchanges and sightseeing trips, but through laws like CEPA which break the manmade segregation of the "two systems."

For all that, patriotism is still a special concept in Hong Kong. Hong Kongers are indeed patriots. They are more active in the "Defend the Diaoyu Islands" movement than the mainlanders. But many people say the "country" they love is the landscape, history and culture of the motherland, and not necessarily the political entity. To promote citizen education, the SAR government took to broadcasting the national anthem on television programme. The liberals criticized the move. Besides, they criticized the Court of Final Appeal as "spineless" when it ruled that burning the national flag violated the Basic Law. However, what sort of thing is a "country" without any political sovereignty? The answer probably lies in the difference between a country in the sense of natural territory, history and culture, and a state in the construction of a political system.

Why do we translate Deng Xiaoping's idea as "one country, two systems" rather than "one state, two systems"? It is not a misunderstanding. The translation

accurately grasps the essence of the meaning behind "one country, two systems." The use of the word country highlights the territorial unity of the mainland and Hong Kong, and "a community of destinies" developed naturally in cultural and historical traditions. It is a "civilization state" formed over the years, rather than a "nation-state" made by man. In the context of Chinese political thought, the concept provided very strong legitimacy for China's resumption of sovereignty over Hong Kong. In other words, the return of Hong Kong was legitimate in political philosophy. Its legitimacy came from historical traditions—"Hong Kong as part of China since ancient times"—rather than from social contract in modern state theory. Thus, the "country" in "one country, two systems" not only goes against the modern state in system construction, but also against modern state theory in terms of its political philosophy foundation. What is more, its imaginative political construction and political ideology derive precisely from China's classical political traditions.

8.4 IV

Every inch of territory is gold,
Who shall we count on to stop separation?
Concerned about the land under heaven,
The cuckoo cannot help shedding tears.
Like the mythical bird Jingwei,
We'll fill up the sea with pebbles.

When China was forced to cede territory and pay indemnities after the First Sino-Japanese War, Huang Zunxian, a poet and diplomat in the late Qing dynasty wrote these lines, expressing the most profound patriotic sentiment of Chinese. On 29 June 2003, Premier Wen Jiabao quoted this poem in the speech after the signing ceremony of the CEPA agreement in Hong Kong. He expressed the wish that Hong Kong compatriots could love Hong Kong and the motherland like the cuckoo in the poem, and develop Hong Kong and the motherland in the spirit of Jingwei. In 2006, James Soong, the then chairman of the People First Party in Taiwan, quoted the same poem in his address at Tsinghua University in Beijing, a cradle of Chinese political luminaries. In 2007, Premier Wen presented the poem again to Hong Kong pupils, encouraging them to love Hong Kong and love the motherland, and to develop Hong Kong and to serve the motherland. The poem strikes a chord among Chinese for it expresses the typical concept of country. "Every inch of territory" is indeed the emotional community formed by people living in the natural territory of the country. However, Chinese people do not stop at loving "every inch of territory." They are concerned about "heaven above," that is political sovereignty, like the cuckoo in the poem. Natural territory and political sovereignty are bound together through natural emotions advocated by Confucians, forming a unique patriotic sentiment in China.

As ambassador to Japan, Huang Zunxian witnessed how Japan thrived and flourished after the Meiji Restoration. He wrote Annals of Japan, detailing how Japan developed into a prosperous country with a powerful army, and submitted it to the Ministry of Foreign Affairs. It was ignored. But after defeat in the First Sino-Japanese War, senior officials in China felt the urge to learn more about Japan. Emperor Guangxu noticed the book and talked with Huang in person. Huang recommended the emperor to initiate political reform. What did political reform mean? In a nutshell, it entailed the construction of a modern state and the building of national sovereignty on the rights of individual citizens through democracy. In this way, national sovereignty would reach every corner of the society. It would strengthen the country's capacity of extracting resources and talents, enhance its legitimacy, and improve its ability of social governance. In this process, the traditional country would become a modern state. A brand new state would be founded above the level of country. The Hundred Days' Reform was eventually defeated, and Huang, a leading light in the reform, was removed from office and forced to retire to his hometown. There, he devoted himself to education, pinning his hopes on his future students. Sun Yat-sen and Mao Zedong can be counted among his star pupils. In 1904, one year before he passed away, Huang wrote his final poem: "The world will realize the great harmony. It is only a matter of time."

Chapter 9
The "One Country" Conundrum: China Versus Empire

9.1 I

In 1982, Margaret Thatcher's visit to Beijing kept Hong Kong people transfixed. During the Falklands War, they were more concerned about the situation than the British. And they eagerly passed round newspapers reporting on the war, in the hope of gauging their own fate from the progress. They even had some faint expectation that the British Empire would protect them by force. However, watching the television footage of Thatcher's stumbling on the last step out of the Great Hall of the People after meeting Deng Xiaoping, the superstitious Hong Kongers seemed to realize that Britain had lost to China on the issue of Hong Kong. They had all along hoped that "China could respect historical facts and recognize the existence of the unequal treaties" and "hoped the British government to change 'the original intention' admit that the *Treaty of Peking* and the *Treaty of Nanking* were unreasonable, and agree to make deletions or changes" (Lam Hang-chi) By so doing, they dreamed of making Hong Kong's prosperity a bargaining chip, forcing the Chinese government to resume its sovereignty and meanwhile allow the British continue its administration. At that time, the chip was the value of the "goose laying golden eggs" that gave them the greatest hope. As mentioned by Lam, the fact that Hong Kongers worked hard to make money and maintained the prosperity of Hong Kong had "political significance beyond money-making" at that time. Through the days and nights of the Sino-British negotiation, Hong Kong people were racked by dreams and frustration, hope and despair, struggle and helplessness. A small number of the elite strived to take control their own fates. Though vilified as "conquered people" or "traitors," they tried to win British nationality for all Hong Kongers.

Historically, in the British Empire both residents in the British Isles and residents in British colonies were referred to as the "British subjects." After WWII, as many colonies became independent, the British law on nationality changed gradually, dividing its residents into different categories. In particular, when the British

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S. Jiang, *China's Hong Kong*, China Academic Library,
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government realized Hong Kong would be returned to China in due course, it initiated a series of plans to modify its nationality and immigration laws so as to prevent Hong Kong residents from moving to Britain. As early as 1962, the "Commonwealth Immigrants Act 1962" deprived Hong Kong residents of the automatic right to live in Britain, but the gravity of the problem was not really felt by Hong Kongers at that time. In 1977, a Green Paper entitled British Nationality Law: Discussion of possible changes proposed to divide British citizenship into "British citizens" (with right of abode in UK), "British Dependent Territories Citizens" (commonwealth citizens without the right of abode but able to freely enter and exit Britain), and "British National (Overseas)" (without the right of abode or freedom to enter and exit Britain). Hong Kongers were put into the last category. The reform plan left many of the Hong Kong elite deeply upset. They thought the British government had betrayed their allegiance to Britain, leaving them an "uncertain future" and "no home to return to" (Lam Hang-chi). Having grown up under British rule, they swore allegiance to the Queen from childhood and strived to get into elite British schools. From Boy Scout camp to schools, from government offices to public places, they often watched the British army drilling and saluted the Union Jack. But now, the transformative effect of a British education only subbed salt into their wounds. On behalf of Hong Kong people, Chung Sze-yuen of the Legislative Council and Yuet-keung Kan of the Executive Council visited London to lobbied Britain for the right of abode for Hong Kong. However, Hong Kongers had no representative in the British Parliament. They were merely colonial subjects. When the empire was unable to fend for itself, it couldn't give consideration to these loyal subjects. When the British Nationality Law 1981 was formally adopted, people of Hong Kong lost the right to immigrate to Britain or to freely enter and exit the country. They still had passports of the empire, but were no longer protected by it. Yuet-keung Kan commented that the Nationality Law 1981 "put the nail into Hong Kong's coffin."

With the adoption of the Nationality Law, Hong Kongers realized that they must act for themselves rather than trust the British. The political future of Hong Kong should not be handled by the British alone. Thus, Hong Kong's political elites exerted pressure on the Hong Kong government through the Legislative Council and the Executive Council. Their efforts gave London one more card in its negotiation with Beijing, namely the popular support, which bolstered the British idea of "exchanging sovereignty for the ruling right." The idea was also present in Britain's backup plan for resolving the Falklands' problem. Since people of Hong Kong supported the idea, London naturally took it as a bargaining counter in the negotiations with Beijing. Despite the Nationality Law hurting Hong Kong's loyalty to the British Queen, a loyalty long nurtured by the British over the years, Hong Kongers became reliable allies of Britain in the negotiations with China thanks to their political awareness and self-identification gradually formed in the British policy of "administrative absorption of politics." Thus, in order to acquire the power of administration over Hong Kong, the British government wanted to include Hong Kong as an independent party in its negotiations with Beijing from the outset, forming the so-called "three-legged stool." The British purpose was very

clear—including Hong Kong as an independent party in the negotiations served the best interests of Britain. Furthermore, it would give Hong Kongers the impression that the sovereignty would be transferred to them, which would ultimately make Hong Kong an independent or semi-independent political entity along the lines of Singapore. It was against this background that the slogan "Power to the People" emerged. To this end, the British government encouraged non-official members of the Executive Council and the Legislative Council to pass a motion (i.e. the "Lobo Motion" initiated by the legislator Roger Lobo), which advocated that "we deem it essential that any proposal for the future of Hong Kong should be debated in this Council before any final agreement is reached."

9.2 II

Of course, Beijing firmly opposed this approach of the British government because, legally speaking, the British Hong Kong Government represented the British government. It hardly represented the people of Hong Kong. Even the Legislative Council and Executive Council were tools of the British Hong Kong Government and could not reflect Hong Kong public opinion. Moreover, this approach severed the tie between Chinese mainland and Hong Kong, regarding Hong Kong as a political entity independent of China. Chinese government has always considered itself the government of the entire Chinese people, including the people of Hong Kong. Even if Hong Kong was under British colonial rule, Hong Kong was represented in the NPC. On 21 September 1949, Hong Kong, as part of South China, had its own representatives at the CPPCC, which was the Constitutional Assembly in preparation for the founding of New China. The political nub of the Sino-British negotiations was China's resumption of the exercise of sovereignty over Hong Kong. In other words, China should exercise its sovereign rights over Hong Kong. Because this was the negotiation between the two sovereign countries, China and Britain, so "there aren't three legs, only two legs" (Deng Xiaoping). Under pressure from Beijing, the British Foreign Secretary rejected the "Lobo Motion," asserting that "it is difficult to convince MPs and people in Britain that the delegation of the two councils represents the will of the people of Hong Kong since neither of them is elected by the people."

As the British tried to manipulate Hong Kong public opinion, Beijing for its part also significantly strengthened its united front work in Hong Kong. In particular, it explained to industrial, commercial and professional elites about the basic policy of "one country, two systems," "Hong Kong people ruling Hong Kong" and the high degree of autonomy. Before the Sino-British Joint Declaration was inked in 1984, Deng Xiaoping met in person with a dozen groups of Hong Kongers of all circles, among them Chung Sze-yuen, the proponent of "three-legged stool" negotiation. This encounter drew a lot of attention and Deng Xiaoping made his famous "one country, two systems" speech. In this meeting, Deng firstly gave a comprehensive explanation of the political connotations of "one country, two systems." By so

doing, Deng wanted to send the message that "one country, two systems" was not an expedient measure, but a long-term policy of the central government. The explanation involved a realistic analysis of the trend in world politics and the trend of China's reform and opening-up policy, and a clarification of "seeking truth from facts," the epistemological principle of the CPC and the political principle of people's democracy. However, what is notable about the speech is that when Chung Sze-yuen referred to Hong Kongers' lack of confidence in the return of Hong Kong, Deng Xiaoping changed his tone in reply. Rather than an explanation, his reply was more of a political lesson or authoritative admonition. Deng Xiaoping was well aware that the confidence issue raised by Thatcher was actually about the issue of sovereignty. Therefore, he unequivocally stressed that "the question of sovereignty is not open to discussion." However, when Chung Sze-yuen talked about the issue of confidence, it implied at heart he did not recognize the CPC or PRC, and willfully ignored how the PRC had improved the status and protected the dignity of the Chinese nation in the world. It was the work of a colonial mentality and a lack of national self-esteem and pride. What annoyed Deng Xiaoping most was Chung Sze-yuen always saying "you Chinese" as if Chung excluded himself from this group. In this context, Deng Xiaoping did not talk about "Hong Kong people ruling Hong Kong." Rather, he talked about "Chinese people ruling Hong Kong," highlighting that the people of Hong Kong were also Chinese:

> We should have faith in the Chinese of Hong Kong, who are quite capable of administering their own affairs. The notion that Chinese cannot manage Hong Kong affairs satisfactorily is a leftover from the old colonial mentality. For more than a century after the Opium War, the Chinese people were looked down upon and humiliated by foreigners. But China's image has changed since the founding of the People's Republic of China. The modern image of China was not created by the government of the late Qing Dynasty, nor by the northern warlords, or by Chiang Kai-shek and his son. It is the People's Republic of China that has changed China's image. All Chinese have at the very least a sense of pride in the Chinese nation, no matter what clothes they wear or what political stand they take. The Chinese in Hong Kong share this sense of national pride too. They have the ability to run the affairs of Hong Kong well and they should be confident of that. The prosperity of Hong Kong has been achieved mainly by Hong Kong residents, most of them are Chinese. Chinese people are no less intelligent than foreigners and are by no means less talented. It is not true that only foreigners can be good administrators. We Chinese are just as capable. They view that the people of Hong Kong lack self-confidence is not really shared by the people of Hong Kong themselves.
>
> The contents of the Sino-British negotiations have not yet been made public, so many Hong Kong residents do not know the Central Government's policy. Once they become familiar with it, they will have full confidence in it. Our policy on the settlement of the Hong Kong problems was made known by the Premier of the State Council in his report on the work of the government to the Second Session of the Sixth National People's Congress, and it was approved by the congress. That shows how serious we are about it. If at this stage people are still worried about whether they can trust us, having no faith in the People's Republic of China and the Chinese Government, what is the point of talking about anything?[1]

[1]Deng Xiaoping (2004) "One Country, Two Systems" in *Deng Xiaoping on* "*One Country, Two Systems*", Hong Kong: Joint Publishing House, pp. 13–14.

Although the document was been reorganized, we can still feel the indignation in Deng Xiaoping's speech, echoing the indignation felt by modern Chinese. According to Hong Kong media, it was not unreasonable for Deng Xiaoping's speech to denounce Chung Sze-yuen as a colonialist "solitary minister and a perverse son," in other words an irrelevancy. To ease the tension, Lydia Dunn, a non-official member of the Legislative Council who was also at the meeting, hastened to express pride in her own Chinese identity. She admitted that Chinese people could now hold their heads up high thanks to China's development, and described "one country, two systems" as far-sighted, a policy she hoped would succeed, otherwise they would not have come to Beijing and spoken so frankly.

Such is the power of culture, the power of our ancestors, and the power of the Confucian tradition. No matter how much political hostility, prejudice and distrust Chung Sze-yuen had against the CPC, such things became meaningless before the concepts of the Chinese people, of the Chinese nation, and political belief in the unification of China. The speech also displayed the political wisdom of Deng Xiaoping. He always set the agenda in discourse. Talking with Thatcher on the issue of confidence, he focused on the sovereignty argument (see Chap. 6); talking with Chung Sze-yuen on the same issue, he resorted to Chinese history, the Chinese people, and patriotism.

The content of these conversations do not appear in the *Memoirs of Chung Sze-yuen*. In this account, the title relating to this meeting is "Hard Talk." In his opinion, it was direct opposition between Hong Kong public opinion and Beijing's view. In Deng Xiaoping's opinion, however, the opposition lay between the mindset of a Chinese master and the mindset of a colonial slave. In this sense, while Chung Sze-yuen thought they represented public feeling in Hong Kong, Deng Xiaoping held they were giving their opinions as "individuals." Deng Xiaoping believed that the people of Hong Kong were first and foremost Chinese, and as part of the Chinese family, they generally would support national unity and return of sovereignty. Formed in the "grand unification" of the Chinese people in history, "national unity" has never been a particular stand of the CPC only. It is a political belief higher than a partisan view. It is the common aspiration of the Chinese diaspora. "If it cannot be accomplished in 100 years, it will be in 1000 years." (Deng Xiaoping). The grand unification of the Chinese nation has its center in the mainland, not in Taiwan or Hong Kong. Therefore, people such as the pro-colonialist like Chung Sze-yuen, the reversionary scholar like Chien Mu, or the liberals like Hu Shi, when they speak against CPC political ideology, they further denied the "People's Republic of China" which represents political sovereignty of the Chinese nation. They not only discount the huge contribution the PRC has made to "change China's image" and boost "Chinese people's pride," but also deny the continuous development and positive improvement of the Chinese nation in history. Even worse, such lack of support from a political entity renders the Chinese nation or Chinese civilization empty concepts.

The hope of the Chinese nation and Chinese civilization lies in the mainland. This was the unwavering belief of Deng Xiaoping. Because the CPC has always regarded itself as the vanguard of the Chinese working class as well as the Chinese

nation. The PRC as a socialist country was part of the socialist camp, and the legitimate heir to the political legacy of the Chinese Empire and the Chinese civilization. And it was because of this that Deng Xiaoping pointed out proudly in another speech that: "our Central Government and the Central Committee of the Communist Party always live up to their international obligations; that was true even during the years of turmoil. Acting in good faith is a Chinese tradition, not something invented by our generation. It is an essential quality of our magnificent old country. Ours is a great and proud nation. A great nation should preserve its dignity and adhere to the principles it has formulated."[2] So, to Deng Xiaoping, to reject socialism and badmouth the Communist Party was one thing, but to deny the dominant role of the PRC in the Chinese nation and to oppose reunification of Taiwan and Hong Kong with the motherland was another thing entirely. As for those rejecting socialism and communism, the CPC could tolerate and unify them under the unified front umbrella, but would have no truck with those holding the latter opinions. That's why Deng Xiaoping's words were so indignant.

A decade later, as convener of the Executive Council of HKSAR government, Chung Sze-yuen attended the ceremony marking the return of Hong Kong. Gazing on the ascent of the Five-Starred Red Flag, he recalled Deng Xiaoping with deep emotion, speaking highly of Deng's speech made at their first meeting in 1984: "He had then expressed his fervent hope to see the restoration of the lost territory and the boost to Chinese national pride. I believe hundreds of millions of Chinese, in Hong Kong, on the Mainland and elsewhere, were thinking of him as they watched on the TV screens of the return of the lost territory and the inauguration of the Hong Kong ASR, and believing he was content in what he had seen in the other world—a mission one third accomplished on 1 July, 1997." Undoubtedly, China is in the blood of Chung Sze-yuen. In quite unique circumstances, he made tireless efforts on behalf of the people of Hong Kong, displaying the spirit of a Confucian scholar, namely never fearing the powerful but pleading for the people. The people of Hong Kong have carried on the spiritual heritage of Chinese culture under the special environment and in a different way:

> I did not immigrate to the British Hong Kong. I had no choice as I was born and raised in Hong Kong in the midst of British Administration. I led my UMECOC colleagues to negotiate with the Chinese Government for the reunification in accordance with the views, wishes and interests of the majority of the Hong Kong people whom I have never ever betrayed. All along, I aimed for a just and practical solution to the Hong Kong Problem, bearing in mind the dignity and sovereignty of China, the grace of the United Kingdom, and the aspirations of the people of my native city. Somehow, with ups and downs, elations and agonies, I helped to accomplish more or less what I set out to do for Hong Kong, for which I have no regrets and will have none for the remain of my day. We, the prodigal Chinese of the territory, were now home again with autonomy and also a responsibility to help modernize our country.[3]

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[2]Deng Xiaoping (2004) "Maintain Prosperity and Stability in Hong Kong," in *Deng Xiaoping on "One Country, Two Systems"*, Hong Kong: Joint Publishing House, pp. 17–18.

[3]Chung Sez-yuen (2001) *Hong Kong's Journey to Reunification: Memoirs of Sze-yuen Chung*, Hong Kong: The Chinese University Press, p. 276.

Although Deng Xiaoping and Chung Sze-yuen had a "Hard Talk," the two shared the same love of country, nation, civilization and history. In this conversation, Deng Xiaoping put forward his famous "patriot" criteria for Hong Kongers: "A patriot is one who respects the Chinese nation, sincerely supports the motherland's resumption of the exercise of sovereignty over Hong Kong, and wishes not to impair the prosperity and stability of Hong Kong. Those who meet these requirements are patriots, whether they believe in capitalism or feudalism or even slavery. We don't demand that they be in favor of China's socialist system. We only ask them to love the motherland and Hong Kong." In these standards, the definition of "Chinese" and "patriot" are largely based on the concept of country, rather than that of state. The CPC formed a patriotic unified front on the basis of the broad concept of "patriot," thereby wining support for reunification from many Hong Kong people, including Lam Hung-chi and Chung Sze-yuen. If the political appeal of "one country, two systems" lies in the fact that the concept of state is at odds with the theory of modern nation-state, and moreover, this concept incorporates the classic Chinese political art of frontier governance (see Chaps. 7 and 8), what then does the concept of "state" imply exactly? Conceptually, how should we define this unique form of state?

9.3 III

China's classic state form is often defined as the dynasty, an autocratic state or the Chinese Empire. These concepts are more descriptive than analytical, and cannot distinguish the difference between China and the West in terms of classic state form. Taking the popular concept of "empire" for example, the Chinese Empire was obviously not a political organization similar to the British Empire and the Roman Empire. In the theory of state, an "empire" is usually the opposite of a "nation-state." This is particularly true in western history. After the disintegration of the Roman Empire, the model of sovereign state replaced the imperial model and became the norm of modern states. On the basis of sovereign states, a new imperial model appeared, for example the British Empire, the German Empire, the Empire of Japan and the present American Empire. In modern political theory, these empires are not legitimate in the principle of legality, being the result of colonial aggression and domination by a sovereign state of other states or regions. Therefore, since the 19th century, the concept of empire has been synonymous with those of "colonialism" and "imperialism." Whereas the Roman Empire had "perpetual peace" as its political goal, the political goals of the Age of Empire that the British Empire unveiled since the 19th century were economic plunder, political domination and cultural colonization. Therefore, the concept of empire is a pejorative term politically, indicating lack of legitimacy. In analysis, the concept is often treated as the relationship between a state and other states and regions in international politics. As a result, the concept of empire only signifies abnormal international political relationships in the era of nation-states. It was the principle of sovereignty of

nation-states that gave rise to the anti-colonial and anti-imperialist national liberation movements, which in fact constituted post-WWII independence movements. Thus, in the era of nation-states, the concept of empire does not belong to a normal political organization but to an abnormal one. However, in the Roman Empire, the concept of empire was completely different from that of the British Empire from the 19th century on. Back in Roman times, empire was the normal form of any political organization. Only empire could put an end to the endless wars between "city-states." The thousand-year reign of the Roman Empire had such an imprint on the concept of "empire" that it embed itself deep into the European mindset, even to the extent that without it, they couldn't think about political organization. After the collapse of the Roman Empire, various political organizations continued to survive for quite some time in the name of empire (e.g. the Holy Roman Empire). The current form of state came about only with the rise of the concept of sovereignty.

In modern political theory, the state and the empire are opposite categories. For example, the state is the political community organized by the sovereign based on the equality of individual citizens, while empire is an organization to rule unequal races, as is demonstrated by different classes in *jus civile* and *jus gentium* under Roman law. However, this argument actually ignores the differences between the Roman Empire and modern empires, and confuses the Roman Republic and the Roman Empire. *Jus civile* and *jus gentium* were products of the Roman Republic. The Empire differed from the Republic in that it had the political logic to achieve equality of all citizens under Caesar, rendering meaningless the separation between Roman Senate and the Plebian Council. Based on this political logic, the late years of the Roman Republic and the era of the Roman Empire witnessed ongoing reform of citizenship, making Roman citizens of all strangers within the empire's territory. Roman citizenship thus went beyond racial identity. The political principle that all Roman citizens were equal replaced the racial inequality between Romans and the Germanic and French peoples. As Livy put it, Romans were the result of continued political integration. It was a single nation formed by law with people from different tribes and races. As a result, although *jus civile* and *jus gentium* were recorded in the Justinian Corpus Juris of in the late years of the Empire, but as Savigny pointed out that compilation was merely a recollection of the prosperity of the Republic. These laws were not actually in force in actual life. It should be borne in mind that the concept of "citizen" appeared many times, from the city-state of Athens to the Roman Empire and more frequently, in the French Revolution and the Paris Commune. As Tocqueville said, the political principle behind this concept was the equality of status throughout history. As the concept of citizen evolved, we discern that the difference between the Roman Empire and the Roman Republic lay in expanded citizenship, bestowing Roman citizenship to many different races within its territory. The concept of "Romans" gradually developed from a symbol of ethnicity to a neutral concept of "Civus Romanus." The political principle coincides with that of constructing a modern sovereign state on the principle of equality between all "citizens" (see Chap. 8), and with that of Christianity. In this sense, a similar political principle is shared by the city-state of Athens, the Roman Empire, Christianity and the modern sovereign state, a principle emphasizing that individual

citizens are equal, forming the basic unit under the rule of the king, the emperor, God or the sovereign, and thereby forming a "homogeneous" political community.

However, after individual citizens achieved equality within the city-state, empire or state, various kinds of barbarians were portrayed as racially outside the territory. In other words, the construction of the Western political community was predicated on the "Other." Such a construction has a strong "Western-centric" flavor. In the Athenian era and the era of the Roman Empire, the barbarians were mostly Orientals as imagined from Egyptians, Persians or Arabs. In the Christian age and the era of nation-state, the heathens and the "yellow peril" were basically Orientals imagined from Mongols and Arabs. After WWI and WWII, the cultural construct of heathens or "yellow peril" became China. From slavery and the concept of barbarians in the Greco-Roman times to the concept of "heathens" in the Christian era, and to the opposition of "civilization" and "barbarianism" invented in the Enlightenment, all of these signify colonial conquest and imperial expansion. The long and volatile history of the West has an enduring and constant political logic, namely, internally all men are equal; externally others may be conquered and enslaved. The division of the internal and the external was purely on racial criteria. Thus, internally, rule on the equality principle of the Roman Empire, and externally, conquest according to the logic of the British Empire. Since the Western world abides by the same political logic, the outward expansion of "national imperialism" was an inevitable result of the construction of Western nation-states (Liang Qichao), thus forming the illusion that democratic nations never fight each other. Such a political logic actually originated in Thucydides' reflection on Athenian politics in the *History of the Peloponnesian War*. He said, in order to defend the good polity which safeguarded the equality of its citizens, they have to conquer externally as an empire. This is precisely the common understanding of "empire" and why the US today has been dubbed the "New Roman Empire."

9.4 IV

Through comparison, we discover that, despite having certain similarities, Chinese classical political logic was fundamentally different from that of the West. In classical Chinese politics, there were two kinds of political organizations, i.e. the "feudal system" as advocated by the Confucian school and the "system of prefectures and counties" proposed by the Legalists. Derived from the Xia, Shang and Zhou dynasties, the political concept of "feudal system" is typically displayed in the rites of the Zhou dynasty, which emphasized difference and diversity under the King and allowed local self-government by clans and nobles. The idea of the "system of prefectures and counties" was particularly embodied in the First Emperor of Qin. The system emphasized the equality of all people under the son of Heaven (emperor) with central government officials ruling the country on behalf of the emperor, and state power penetrating deep into the grassroots. Centered on unity and homogeneity, the prefecture and county system is basically in line with that of

the Roman Empire and nation-states. Thus, China's modernization program found it easy to draw inspiration from the ancient Legalists. Mao Zedong once described himself "a combination of Marx and the First Emperor" and launched the social movement entitled "Commenting on Legalism and Criticizing Confucianism" in the 1970s. He was aiming to promote a modernization program of homogeneity and equality. Whereas the "system of prefectures and counties" highlighted the unity and homogeneity of "one country, one system," the feudal system focused on difference and diversity under "one country, multiple systems."

After the Han dynasty, the two political ideas became organically interwoven. Confucianism and Legalism co-existed in such a way that the former was applied in the frontier regions and the latter in the hinterland. As a result, the hinterland was directly controlled through the system of prefectures and counties while the frontiers were indirectly controlled through the feudal system. The effective combination of these two methods, combined with the growing cultural influence and military power of the hinterland, gradually assimilated the frontiers and expanded the territory of China. Thus, we discern a basic phenomenon of Chinese history that any era of territorial expansion, such as dynasties in Han, Sui, Tang, Yuan, Ming and Qing, is characterized by a robust and an effective system of prefectures and counties, a prerequisite for implementing the feudal mode of "one country, multiple systems" in the frontier regions. This mode of governance developed to its extreme under the Qing. From the tributary relation with other countries in East Asia and Southeastern Asia, the suzerain-vassal state relation with Korea and Vietnam, the relation with border areas inhabited by Tibetans, Mongolians, and Hui, and to the relation with the core of the hinterland, the mode of governance shaped a differential mode of association under "one country, multiple systems." Fei Xiaotong summarizes the ethical principle of Confucian tradition as the "differential mode of association." This differential mode of association overlapped the scope and structure of the "one country, multiple systems" pattern between the hinterland and the frontiers.

On the surface, China's feudal system followed the same differential principle as the Roman Empire and the British Empire. However, there were two fundamental differences. Firstly, the differentiation of the West was racially-based, containing strong elements of fragmentation and contrariety. Hence, there was a strong "ethno-centric" element underlying "Western-centrism." For instance, Herodotus' *Histories* depicts the difference and superiority displayed by various races in the Hellene world. Since the 18th century, the rediscovery of historical writings by Herodotus, Tacitus and other famous historians, and the resulting rise of linguistics, philology and ethno-archaeology, not only had to serve the construction of the "imagined community" centered on race/ethnicity but also provide proof for racial superiority. Therefore, despite modern nationalist ideology's effort to dilute the racial factor with "cultural nationalism," it is undeniable that Western nationalism has a strong racial element. By comparison, the differentiation in China's feudal structure was not based on racial identity, but on the degree of civilization like rituals and cultivation. Thus, the differentiation was not about unalterable fragmentation or contrariety, and it therefore maintained the continuity of the

"differential mode of association." Internal or external, private or public, friend or foe, were all relative, temporary and changeable aspects. With cultivation, it was entirely possible to turn a "barbarian land" into a "state of ritual" while it was also possible for a "state of ritual" to suffer "collapse of ritual." Behind the evolution between "barbarianism" and "Chinese" there was no fundamental binary opposition. It was a pluralistic structure overflowing from the center to the periphery under the differential mode of association. In this context, the duality of internal and external relationship as well as enemy and friend relationship was purely political and capable of change according to context. The immutable hostile relations in Darwinism simply did not exist.

Secondly, the dualistic nature of Western politics made it difficult to dissolve the difference between domestic and external, master and slave, civilized and barbarian, noble ethnicity and the inferior ethnicity. To resolve the tensions caused by this binary attitude, expansion and aggression become inevitable, involving transformation, assimilation or elimination of "the other." Therefore, Western civilization became extremely expansionist and aggressive, often leading to religious persecution, genocide, wars of plunder, and conquest of civilizations. Nowadays US-led Western civilization is promoting its values of freedom, democracy and human rights and its political system through "peaceful evolution," "color revolution" and even wars in Kosovo, Afghanistan and Iraq. These exertions are not only prompted by geopolitical interests but are driven by the binary tension and expansionary nature of Western civilization too. They are modern versions of the Crusades. In contrast, Chinese civilization puts more emphasis on mutually beneficial relations between the "center" and the "periphery" under the differential mode of association, and on the moral responsibility that the "center" bears for the "periphery." In Chinese history, there is no such a notion as "heathenism" or "race." Chinese civilization is characterized by the harmonious coexistence of Confucianism, Buddhism and Taoism, and further the peaceful coexistence of Islam and Christianity. Thus, we don't have a corresponding understanding of the "tolerance" and "freedom of speech" on which Western constitutions lay so much stress.

These two distinctions stem from Confucian thought because the Confucian concept of "universal brotherhood" does not imply a universal and homogenous global empire, but "harmony in diversity" and the pursuit of peaceful coexistence while maintaining differences. The differential is cultural but not racial. Facing difference in cultivation, Confucianism adopted the principle that the "King does not rule over barbarians." So, Confucian culture was not inherently expansionary. It would not proselytize among military and commercial powers such as Protestant Britain, America and the German Empire. Despite Confucianism's emphasis on differences, it did not give rise to the racial oppression and cultural discrimination produced by binary opposition. Rather, it took a respectful and tolerant attitude to ethnic monitories and their cultures, stressing more the moral responsibility borne by the mainstream culture or ethnic majority for periphery cultures or ethnic monitories. In many dynasties, military conquests of the frontiers were undertaken in order to ensure political security, rather than to plunder wealth (the British Empire), to expand territory (the Roman Empire) or to promote cultural values

(the United States). Once the frontiers were stabilized, the central government would promote political, economic and cultural development in those regions to the benefit of the ethnic minorities in the frontier lands. For this reason, military conquest in Southeast Asia was a rarity in Chinese history since the southern frontier hardly posed a security threat to the Central Plains. For the same reason, Zheng He's naval voyages to the west bore an entirely different significance compared with the West's discovery of the East. This also reflected the core idea of rule by rites and rule of virtue in Confucianism, one that emphasized mutual benefits and moral responsibility in the relationships between the high and the low, the old and the young, the superior and the subordinate, and the center and the periphery. For this reason we call Chinese civilization a Confucian civilization to distinguish it from the Western Christian civilization.

From the true perspective of Macro-history, Deng Xiaoping's notion of "one country, two systems" not only restored classic Chinese feudal political principles but also reactivated the political ideals of Confucianism. In his well-known talk to Chung Sze-yuen, Deng Xiaoping stressed that the central government would follow the classic political tradition of keeping promises, and put particular emphasis on the center-periphery relationship existing between the socialism of the mainland and the capitalism of Hong Kong. He says that: "The main part of China must continue under socialism, but a capitalist system will be allowed to exist in certain areas, such as Hong Kong and Taiwan. Opening a number of cities on the mainland will let in some foreign capital, which serve as a supplement to the socialist economy and help promote the growth of the socialist productive forces." "The fact that one billion people, the overwhelming majority in a vast area, live under socialism is the indispensable precondition that enable us to allow capitalism in these small, limited areas at our side."[4] Once they understood the center-periphery and main body-supplement relationships between mainland socialism and Hong Kong capitalism, people like Chung Sze-yuen ceased to worry that the central government might alter the capitalist system in Hong Kong. It can be inferred that what actually persuaded Chung Sze-yuen to believe in the idea of "one country, two systems" was not the central government's reform and opening up policy, but the epistemological principle of seeking truth from facts, or the political philosophical idea of meeting the people's interests. Moreover it was the idea of frontier governance embodying Confucian political philosophy. In this context, we are able to comprehend the reason as to why the central government adopted such generous policies for the return of Hong Kong, i.e., no appointment of officials, no levy of central taxes, central budget responsible for garrison expenditure, and even a market-price purchase of land for central government liaison offices in Hong Kong. Deng Xiaoping firmly believed that, in this main body-supplement relationship, the mainland, i.e. the main body, would "rely on self-reliance" with the periphery

[4]Deng Xiaoping (2004) *Deng Xiaoping on* "*One Country, Two Systems*", Hong Kong: Joint Publishing House, p. 12, p. 39.

playing only a supplementary role, as distinct from Britain's extracting resources from its colonies.

> China's roots are in the mainland, not in Taiwan or Hong Kong. Hong Kong made some contribution to the four modernizations. In the future it may do less, but we do not want it to be so. The construction of China cannot rely on "reunification" but self-reliance. Therefore, whether Hong Kong or Taiwan, no one needs to worry that the mainland will ask favors of you in the future. We won't do so.[5]

"And I doubt that 50 years after 1997, when the mainland is developed, people will handle matters like this in a narrow-minded way. So don't worry, there won't be any changes."[6]

In the relationship between the center and the periphery, the main body and the supplement, the maintenance and defense of the dominant position of the center becomes a prerequisite for ensuring the relative independence of the periphery and the moral responsibility of the center toward the periphery. As regards "one country, two systems" the maintenance of Hong Kong's capitalist system was predicated on maintaining the CPC-led socialist system in the mainland. In this regard, Deng Xiaoping pointed out:

> It was also on the understanding that the main body of the country would adhere to the Four Cardinal Principles that we formulated our policy towards Hong Kong, Macao and Taiwan. If it were not for the Communist Party and China's socialist system, who would have been able to formulate a policy like that? Nobody could have done it without courage and resourcefulness. But courage and resourcefulness must have a basis, which in this case consisted of the socialist system and socialist China under the leadership of the Communist Party. We are building socialism suited to Chinese conditions, which is why we were able to formulate the policy of "one country, two systems" and why we can allow the two different systems to coexist. … Any view that neglects the Four Cardinal Principles is one-sided. When considering whether China's policy will change, one must also take into consideration whether this aspect will change. To be honest, if this aspect changed, there would be impossible to keep Hong Kong prosperous and stable. To keep Hong Kong prosperous and stable for 50 years and beyond, it is essential to maintain the socialist system under the leadership of the Communist Party of China.

This approach taken by Deng Xiaoping later developed into the principle of "the river water does not intrude into the well water" or the so-called "mutual non-aggression" principle actually manifests the Confucian idea of "harmony in diversity." The relationship between the center and the periphery, the main body and the supplement, the majority and the minority, and the mainland and the frontier demonstrates the Confucian ethic of the differential mode of association, such as respect for seniority and hierarchy. Moreover, it is also the political ethical principle for the state, that the frontier shall obey the sovereign authority of the center, while the center shall assume political responsibility for security and

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[5]Quoted in Qi Pengfei: *Deng Xiaoping and "One Country, Two Systems"*, Beijing: Huaxia Publishing House, p. 182.

[6]Deng Xiaoping, *Maintaining Prosperity and Stability in Hong Kong* (October 3, 1984), pp. 17–18.

development of the frontier. This differential mode of association has nothing to do with the principle of equality internally and the principle of conquest or exploitation externally as followed in the Roman Empire, nation-states or the British Empire. That's because the Confucian culture does not feature the racially-based, fragmented and hostile differentiation between the domestic and the external. Instead, it believes in "all under heaven are of one family," "universal brotherhood" and "all within the four seas are brothers." Therefore, "China" is neither the Roman Empire nor the British Empire. Nor does it conform to what Western leftists describe as the principles of global empire structure. China is not a state or an empire in the Western sense. It precisely embodies the original meaning of the concept of "Middle Kingdom," a set of ethical approaches to handle the relationship between the center and the periphery, which are respectively the principal and the subordinate. Many scholars in China have noted this uniqueness of classic Chinese political system. Wang Hui inspired us the rich meanings of the Chinese "Empire." From there, Zhao Tingyang and Wu Zengding directly named it the "world system." In my view, this is precisely the original meaning of the concept of "China" or "Middle Kingdom." In terms of being, it refers to following Confucian ethics to handle the natural order in the way of heaven, the spiritual order of individuals, and the ethical order in the society; in terms of politics, it refers to following Confucian ethics to handle order between rule and obedience, between the center and localities, between the hinterland and the frontiers, between the ethnic majority and ethnic minorities as well as between majority and minority classes. Therefore, "China/Middle Kingdom" implies a set of ethical principles and political principles. It is a set of political philosophy, a system of political organization, and a way of life and form of civilization thus formed. "China/Middle Kingdom" is not merely a historical concept, cultural concept or legal concept; it is also a concept of political philosophy. It is a special political community or community of destinies completely different from Western countries. The concept of "China/Middle Kingdom" actually encapsulates all Chinese civilization's thought on ethical order and political order.

9.5 V

Lucian W. Pye once said: "China is a civilization pretending to be a nation-state." This precisely demonstrates that the theory of modern nation-state cannot be used in pondering the spiritual temperament of "China." It is not purely a legal organization, but an order of civilization. Deng Xiaoping's "one country, two systems" restored the political imagination of Chinese civilization in the conceptual framework of nation-state:

> The "One Country" is, of course China. By China it meant not merely the People's Republic as recognised by most of the other states in the world today, but the slightly larger China which goes back to history books and geography books before the Western powers and Japan began to nibble bits away.

> It is useful to note here that this definition of China differs from the Western concept of nation state, and approximates more to the cultural boundaries of a civilization, or the loose edges of an ancient empire into whose furthest reaches the Han people have ranged, gaining control of minority populous there.[7]

Thus, it is within such a context that we are able to understand the issues over "one country, two systems", such as the citizenship of Hong Kongers, "The NPC interpretation of the Basic Law," "Article 23 legislation" and the development of Hong Kong's political system—actually reflect the tensions between "classic China" and "modern state" and between "civilization country" and "nation-state." These issues require us to package the political contents of a "civilization country" into the legal system of a "nation-state" or to display the distinctive "China" within the framework of "state."

Even so, it is precisely this contradiction, the implementation of "one country, two systems" in Hong Kong that provides a useful stimulus and motivation to the renaissance of Chinese civilization in the age of sovereign states. For the governance of Hong Kong, the central government needs to constantly adjust its course between the "feudal system" and the "system of prefectures and counties" and between political governance and legal governance. In this process, we must take another issue into consideration. That is what shall we "rejuvenate" in the great rejuvenation of the Chinese nation. Is it to be the mode of the Qin Empire, or the mode of the Qing Empire? Is Legalism or Confucianism to prevail? How are we to integrate these classic traditions with modern socialist traditions and liberal traditions? What is the "China" we really need? What is the "land under heaven" we really need? What kind of lifestyle and ethical model should the rejuvenation of Chinese civilization offer mankind? It follows that the handling of the Hong Kong question does not mean handling matters arising in Hong Kong, but handing the core issues in the rejuvenation of Chinese civilization. As Edmund Burke said "a great empire and little minds go ill together … We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us." Here, we only have to change the word "Providence" to "ancestors." Since 2003, the central government has been adjusting its approach to the governance of Hong Kong. Stressing the need to emancipate the mind, the key is to "elevate our minds to the greatness." In this case, the greatness refers to a comprehensive and accurate understanding of the political imagination of Deng Xiaoping's "one country, two systems" and the lofty realm of restoration of the order of Chinese civilization.

It is in this lofty realm that we are able to appreciate more deeply appreciate how, behind the constitutional arrangement of "one country, two systems," lies arrangement of the order of hearts and minds. We must understand that, although the basic sentiment of "fearing and rejecting communism" and "resisting the return to China" among the people of Hong Kong was shaped by the culture and politics of the British Empire, we have to admit that Hong Kong's antipathy was caused by

[7]Dick Wilson (1993) "China: The Multi-system Country," in *Hong Kong in Transition*, Hong Kong: One Country Two Systems Economic Research Institute, p. 68.

the mainland. And patriotic warmth among Hong Kongers was quenched by wrong policies by the mainland over and over again. It is understandable in this sense that the people of Hong Kong searched for identity for homeless Hong Kongers were forced to find their own spiritual homeland. Deng Xiaoping put forward the idea of "one country, two systems" because he saw not just the difference between the mainland and Hong Kong systems, but also the different identities and the mental estrangement between the two places forged by history. Thus, in its unique structure of civilized order, the notion of "one country, two systems" contains the utmost respect for the history of Hong Kong, the identity and the feelings of Hong Kongers. In order to give them room to heal the psychological trauma, the central government reserved to itself as little power as possible and left Hong Kong the greatest degree of autonomy. The stipulation that there would be no change to "one country, two systems" for 50 years was so as to give Hong Kongers enough time for self-adjustment. The phrase of "things need not change after 50 years" has often been interpreted by the "pro-democracy" camp in Hong Kong to mean the mainland will adopt capitalism like Hong Kong in 50 years. This view is somewhat superficial because it has only picked up the meaning at the level of system, but failed at the level of heart which supports the system. Deng Xiaoping a great statesman was his ability to see that the deepest and most fundamental thing in politics is not system, but the heart. In his view, after 50 years, Hong Kong's "heartache" would be gone, the estrangement and antagonism between Hong Kongers and mainlanders resolved, the heart returned, and the construction of "one country" completed, what further change would be needed? However, it takes time to win the heart. Fifty years can witness the arrival and departure of several generations. The highest realm of the central government in governing Hong Kong is the earliest possible "return of the heart." But what is "the heart"? Is it the calculation of interest or natural emotional identification?

What makes "one country, two systems" such a magnificent initiative is that it contains the deepest reflection on the political and philosophical implications of "human nature." Contrary to Thomas Hobbes' assertion, man is not an animal that calculates interest and worries about sudden death. As a part of nature and the universe, human being has been endowed with a heart of kindness and an inclination for good, and blessed with identity of feeling and meaning. It is the heart of kindness and inclination for good that lays the foundation for individuals, family, society, state and the land under heaven. The family is the smallest cell exhibiting the heart of kindness and inclination for good, while the society, the state and the land under heaven are formed according to the principle of "extending care for one's self to others" as in "first taking care of one's own elders and then the elders of others" and "first taking care of one's own children and then the children extending of other folk." Therefore, the boundaries of the state and the world are not set by rational construction or determined on the basis of racial factors. They are actually the scope of people's natural emotions produced in their daily life and interactions. Thus, the concept of the "Chinese people" is not an artificial construct, but the sublimation of the results of emotional interaction between Han and ethnic monitory peoples in the long course of history. Of course, there were wars,

conflicts, hatreds and divisions, but there were also more a community of emotions and destinies built up through marriage, trade, mutual help, and joint struggle. In other words, the state, the land under heaven and ethnicity are results of historical evolution, while time and history constitute the real God.

In its policies towards Hong Kong, the central government's repeated stress on respecting the particular historical conditions of Hong Kong is no expedient consideration of the reality. In fact, it gives to "history" the particular value of legitimacy. History is the source of political legitimacy because history is created by sentiment life and provides rich emotional and cultural resources in return. Therefore, we often say that "Hong Kong has been part of the territory of China since ancient times." The words "since ancient times" carry more legitimacy than laws and treaties. Similarly, we often say that "the issue of Hong Kong was caused by a particular history" and "we should respect the history of Hong Kong." These words also involve the recognition of the legitimacy of Hong Kongers' self-identity and historical heartache. Thus, "one country, two systems" is a political order containing full respect for and recognition of man as a feeling part of history. During the rule of the British Hong Kong government, the central government went all out to ensure water and food supplies to Hong Kong; in the course of reunification, it voluntarily assumed political responsibility for maintaining Hong Kong's long-term prosperity and stability; during the formulation of the policies for the return of Hong Kong, it gave up the power of taxation in Hong Kong and exempted Hong Kong from military expenditure; After the return of Hong Kong, the central government provided Hong Kong with a raft of economic benefits and policy supports of which all are aware. None of this selfless assistance was based on rational calculation, but on the emotional and cultural identity that we are all "Chinese" and we belong to the same big family which grew up naturally in history through love and mutual help. The selfless assistance from the central government to Hong Kong is similar to parental care for children, and naturally contains awareness of and deep reflection on how its wrong decisions in the past hurt the people of Hong Kong.

Build political order in people's heart, and on the basis of the most natural emotions of human being, namely the heart of kindness and the inclination for good, there are undoubtedly the classical political philosophy of Confucian tradition. "China" itself was sustained by this tradition, and resulted in the ever expanding borders of "China" and the enlargement of the range of "the land under heaven" too. Looking back at history, the Roman Empire, the Arab Empire, the Ottoman Empire, the Mongol Empire, the Austro-Hungarian Empire and the British Empire have all vanished. During the rise of nation-state, many famous dynasties were dismembered. In our own lifetime we have witnessed the disintegration of the Soviet Union, whereas China basically retained continuity of territory, ethnicity and civilization and successfully incorporated them into the nation-state framework. In this respect alone, it is truly a wonder of human civilization. Westerners find it difficult to understand how China maintained so vast an empire over such a long history because, being so deeply influenced by Christian tradition and the tradition of rational calculation, they are unable to understand the natural emotions of man

and unable to understand the true meaning of Confucian culture. The state is simply a distillation based on the natural emotions of many families. The phrases such as "the family of the motherland," "the 56 brothers and sisters belong to one family," "class brothers," "compatriots are siblings" and "blood is thicker than water" are all familiar terms in the discourse of the Communist Party of China. They precisely bring the Confucian political tradition into the modern state construct. In effect, "one country, two systems" is actually a political idea based on Confucian "feudal" tradition.

Considering the issues of Hong Kong, Tibet and Taiwan in the context of the whole Chinese civilization makes it possible for us to imagine the similarities among those issues and also what makes them different. Meanwhile, we can also see the internal tension between Mao Zedong and Deng Xiaoping, founding fathers of two generations of the PRC, concerning the construction of "China." This internal tension actually runs through Chinese history—between Legalism and Confucianism, between the system of prefectures and counties and the feudal system, and between sovereign state and civilization state. The internal tension does not mean Mao and Deng negated each other. Rather, it shows the alternately rising balance and mutual support with changes in history, and displays the historical continuity and succession between the two in the construction of "China." In the era of Mao Zedong, a thoroughgoing and sometimes radical governing program of modernization was operated in the ethnic minority regions, frontier regions under religious control in the Qing Empire, effectively making them true border regions of the state, thereby laying the foundation stone of the nation-state and consolidating the hinterland's position as the political actor. This provided Deng Xiaoping with sufficient capacity and confidence to launch a reform "embodying the sense of the feudal system but in the form of the prefectures and counties system" to implement in the mainland economic reform "decentralizing power and transferring benefits" to localities, and to operate the "one country, two systems" in the new maritime frontiers like Taiwan and Hong Kong. With the successful implementation of "one country, two systems" in Hong Kong and Macao and with the easing of the Taiwan issue and the further consolidation of marine territory, we then will have the ability and confidence to deal with the issue of Tibet. In the past, the issue of Tibet gave inspiration to Deng Xiaoping's idea of "one country, two systems." Today, Hong Kong can provide useful experience and lessons for the resolution of the Tibet question.

Chapter 10
The Form and Nature of the Basic Law

10.1 I

Does the Constitution of the People's Republic of China adopted in 1982 come into force in Hong Kong? Legally, this question seems like a dumb one. The Constitution is the fundamental law of the country, and since Hong Kong is part of China, how could the law not be effective in Hong Kong? Is this the case? Article I of the present Constitution rules that "The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants." Later, the "Three Represents" was added to the Constitution as an amendment. If these had been applied to Hong Kong, there might well have been a wholesale exodus of capitalists in the 1980s. The Constitution specifies that the form of government of China shall be the National People's Congress (NPC) on the basis of democratic centralism. Of course, there are Hong Kong representatives in the NPC. However, the HKSAR Government is not organized along people's congress lines but according to the tripartite political system and executive-led system specified in the Basic Law. The Constitution sets the Supreme People's Court as the highest judicial organ which exercises the power of final adjudication of cases. Nevertheless, lawsuits in Hong Kong do not need to be brought to the Supreme People's Court. These things in the Constitution do not apply to Hong Kong because the content of the socialist system, one of the "two systems" cannot be applied in capitalist Hong Kong.

Following the same line, we have to distinguish which parts of the Constitution fall into the category of "one country" and which fall into that of "socialism." The former applies to Hong Kong while the latter does not. However, "one country" is the prerequisite for "two systems," the "two systems" are the ones under "one country," and this "one country" is obviously a socialist country. How can we completely isolate such two elements of the Constitution as the "country" and "socialism"? For instance, the CPC-led multi-party cooperation system is both part of "one country" in the structure of the constitutional system, and part of the

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"socialist system" adopted by the state. So, as established in the Constitution, is the CPC's position as the ruling party in China effective in Hong Kong? Can the CPC hold power in Hong Kong through election according to the Basic Law?

Under the British Hong Kong government, the CPC used to act in Hong Kong in the name of Hong Kong branch of Xinhua News Agency. Before 1949, the Party was basically underground. After 1949, Britain asked China to set up a consulate in Hong Kong, trying to win China's recognition of British rule in Hong Kong, in a move naturally rejected by the Chinese government. Since then, the Xinhua News Agency had a stronger official imprint in Hong Kong. In particular, in the process of negotiating the reunification, the Xinhua News Agency Hong Kong branch was regarded by the Hong Kong society as an alternative center of political power second only to the British HK government, since it energetically promoted the policy of "one country, two systems" closely united patriotic Hong Kongers, formed a patriotic united front, and fought a diametrically opposed struggle against the British Hong Kong government. After the return of Hong Kong, in order to ease the minds of Hong Kong people, to implement "one country, two systems" and to honor the promises made of "Hong Kong people ruling Hong Kong" and a high degree of autonomy, the central government made a strategic withdrawal, like the proverb of "grazing the war-horses on the hillside" and "putting away the bayonets and guns." The Xinhua News Agency Hong Kong Branch was reduced in size and its manpower, lowering its profile so as not to be seen as interfering in Hong Kong's "high degree of autonomy." In 2001, Emily Lau, a member of HK Legislative Council, filed a lawsuit against the Xinhua News Agency Hong Kong Branch in a bid to challenge its legal status. The agency responded calmly and won the case. Subsequently, it officially changed its name to "Liaison Office of the Central People's Government in the Hong Kong S.A.R." (LOCPG), and became an organ of the central government in Hong Kong, its main duty being to liaise with all sectors of Hong Kong society. This meant that after the return of Hong Kong, the CPC color faded away in favor of a governmental image. Still, some Hong Kongers keep questioning that since the Basic Law allows the existence of political parties, why isn't the CPC entitled to take part in elections for Hong Kong's Legislative Council and Chief Executive.

This formalistic style of thinking is certainly in line with the provisions of the Constitution and the Basic Law. But it is at odds with the spiritual essence of "one country, two systems" or the actual situation in Hong Kong. At the time the idea of "one country, two systems" was created, Hong Kongers "feared and rejected communism" and the division between socialism and capitalism not only involved the distinction between "planned economy" and "market economy," but also the distinction between communist rule and the non-party executive-led system. It meant that consideration was never given to the Communist Party being elected to power as part of the "two systems" under "one country." Thus, the opposition in Hong Kong became very sensitive to united front efforts by the central government. Even the Hong Kong representatives to the National People's Congress are very careful about their activities in Hong Kong so as not to be mistaken as interfering in Hong Kong's internal affairs. For example, in early 2008, the Chairman of the

Hong Kong Bar Association was appointed as member of the Guangdong Provincial CPPCC. This immediately aroused strong reaction among the Hong Kong society and some of the barristers. In fact, many of the latter were members of the CPPCC or NPC. The storm that erupted with this particular appointment was because, for one thing, the Civic Party originated in the Bar, and, for another, membership of the CPPCC, a united front organization, conflicted with the independent and impartial tradition of the Bar. After the 2008 Hong Kong Legislative Council election, Jasper Tsang, President of the Council, was asked to declare whether he's a CPC member. We could never understand such a bizarre Macarthyite event without knowing the specific historical context in Hong Kong. But we cannot conclude that the CPC-led multi-party cooperation system as specified in the Constitution is not effective in Hong Kong; or conclude that the CPC is not the ruling party in Hong Kong. In the 4th Plenary Session of the 16th CPC National Congress and the 17th CPC National Congress, it was put forward that, under the new situation, the Party faced a "new task" and a "major task" in governance of China, more specifically how to maintain long-term prosperity and stability in Hong Kong and Macao. The question was that how the central government ought to govern Hong Kong if the Chief Executive and the Legislative Council were elected by universal suffrage.

The problem stems from the particular nature of the "one country, two systems" framework (see Chaps. 8 and 9). The word "systems" in the "two systems" under "one country" does not refer to an ordinary system, but a political system for building the state. Thus, "two systems" stands for component elements of a constitutional nature, which means that, the Basic Law of Hong Kong is also a constitutional law. We need to clarify the relationship between the Constitution and the Basic Law. If we only focus on the Constitution, and try to find out if it is valid or ineffective in Hong Kong or which terms are valid and which are ineffective in Hong Kong, we are ignoring the special contribution of the Basic Law to China's constitutional system, and overlooking the revolutionary changes to Chinese constitutional system thanks to the Basic Law. So, faced with these tangled issues, we need to find the answer from within the Basic Law. This law needs to be understood. After the return of Hong Kong, the Court of Appeal of the SAR made a vivid description of the Basic Law in the HKSAR versus Ma Wai Kwan David & Others, the "first case on the constitution."

> The Basic Law is not only a brainchild of an international treaty, the Joint Declaration. It is also a national law of the PRC and the constitution of the HKSAR. It translates the basic policies enshrined in the Joint Declaration into more practical terms. The essence of these policies is that the current social, economic and legal systems of Hong Kong will remain unchanged for 50 years. The purpose of the Basic Law is to ensure that these basic policies are implemented and that there can be continued stability and prosperity of the HKSAR. Continuity after the change of sovereignty is therefore of vital importance. … The Basic Law is a unique document. It reflects a treaty made between two nations. It deals with the relationship between the Sovereign and an autonomous region which practices a different system. It stipulates the organizations and functions of the different branches of

> government. It sets out the rights and obligations of the citizens. Hence, it has at least three dimensions: international, domestic and constitutional. It must also be borne in mind that it was not drafted by common law lawyers. It was drafted in the Chinese language with an official English version but the Chinese version takes precedence in case of discrepancies. (HKASR vs. Ma Wai-kwan, CAQL 1/1997)

This text reflects the unique nature of the Basic Law. But the legal profession in Hong Kong generally stresses that the Basic Law comes from the Joint Declaration, ignoring that the Basic Law also derives from the Constitution and overlooking its relationship with the Constitution. They stress that the HKSAR Basic Law is its constitution whilst ignoring that the Basic Law is also a "law" enacted by the NPC. They stress "no change" to Hong Kong's economic, social and legal systems, whilst ignoring the changes to Hong Kong brought from how the Basic Law handles "the relationship between sovereignty and the right of administration."

After the return of Hong Kong, in both economic and social aspects, the "two systems" went hand in hand, and increasingly converged. However, tensions and conflicts emerged over the issues related to the "NPC's interpretation of the Basic Law," "Article 23 legislation" and the development of Hong Kong's political system. On the surface, these issues reflected the differences between the "two systems," but in essence they were a matter about the building of "one country," namely, superimposing the "one country" factor onto Hong Kong's original status. It raised the question whether our "state-building" still not accomplished. Do we have to go through a second stage of the state-building after the first one of 1949? If there is a second stage, we should not regard the Basic Law as a "mini-constitution" but part of the constitution of the state.

In law, New China has never recognized the three unequal treaties, and the sovereignty over Hong Kong has always belonged to China. As a legal document that constitutes national sovereignty, the Constitution is undoubtedly applicable to Hong Kong. But in actuality, the central government had only the "right of sovereignty" over Hong Kong, rather than "the exercise of sovereignty" (see Chap. 6). So, the contents of the Constitution were in fact ineffective in Hong Kong. The resumption of the exercise of sovereignty in Hong Kong meant the central government had to transform the "right of sovereignty" into "exercise of sovereignty" so that the contents of the Constitution could have actual legal effect in Hong Kong. However, since the central government has adopted "one country, two systems" and fixed the content of "one country, two systems" in the Basic Law, the content of the Constitution had to be limited, absorbed and filtered in the Basic Law in order to meet the requirements of the "one country" and guarantee the "two systems." Therefore, the Basic Law is a supplement to the Constitution. The drafting process of the Basic Law was similar to the establishment of a supplementary social contract between the central government (mainlanders) and the people of Hong Kong. Only in this sense can we understand the twists and turns in the formulation of the Basic Law.

10.2 II

In the Chinese People's Political Consultative Conference held in preparation for the founding of New China, there were representatives of various political parties, different ethnicities and different regions. They represented the "people" who supported the CPC's decision to build a New China. Such a political nation-building process necessarily involved cracking down on "enemies" who opposed the "political" nation-building. This was the basic implication of "people's democratic dictatorship." After completion of political nation-building, the 1954 Constitution tried to build the political state on the solid cornerstone of law, or in other words give the mantle of legitimacy to the political nation-building. As a result, a constitution had to be passed by NPC representatives elected by universal suffrage. Accordingly, political "enemy-friend relationship" was transformed to the legal relation between citizens under the Constitution. The people of Hong Kong were absent from this process. They were not able to participate in the founding of New China through their political representatives during the construction of political sovereignty of the PRC. However, they did not elect citizen representatives (NPC members) by universal suffrage to recognize the republic established under the Constitution. Thus, the process by which the central government resumed the exercise of sovereignty over Hong Kong on the basis of "one country, two systems" and applied the "one country" as established by the Constitution, to Hong Kong, was none other than the drafting of the Basic Law. In this sense, we can say that the Basic Law drafting process was in fact the delayed constitutional recognition of the PRC by the people of Hong Kong. It supplied the missing social contract, i.e. the Constitution, between Hong Kongers and mainlanders. Therefore, the drafting of the Basic Law had the appearance of the NPC's lawmaking process, but it was more like a political negotiation process between the mainland (the central government) and Hong Kong for the conclusion of a social contract.

In June 1985, the Basic Law Drafting Committee was established. Initially, the number of Hong Kong drafters was set at 18. Later, in consideration of the representativeness of Hong Kong drafters, the number was raised to 23, bringing their representation on the 59-member Drafting Committee up to 40%. Furthermore, each subgroups of the Drafting Committee was in the charge of one mainland drafter and one Hong Kong drafter. Similar to concluding a social contract, the drafting required that the Hong Kong drafters be "broadly representative," be able to embody the mainstream of social forces in Hong Kong, and represent all sectors of Hong Kong society to the greatest extent possible. To this end, the central government's appointment of Hong Kong drafters followed two principles: firstly, to consider the "historical background and actual conditions"; and secondly, to implement "the principle of being conducive to maintaining the stability and prosperity of Hong Kong." By "historical background and actual conditions," what was meant was that, although traditional leftists were the mainstay of patriotic political forces in Hong Kong, after the British HK Government's crackdown on anti-British protest in 1967, such leftists were quickly marginalized and fell to the

bottom of Hong Kong society, whereas the pro-British business and professional sectors became the elites and mainstream of Hong Kong society. Meanwhile, "the principle of being conducive to maintaining the stability and prosperity of Hong Kong" indicates dictated reliance on the pro-British business and professional sectors. Generally speaking, Hong Kong drafters of the Basic Law were selected "more from the upper and middle classes, fewer from the grassroots." Hong Kong media commented that the Hong Kong drafters "embraces elites from all sectors, and takes care of the interests of all parties." "This arrangement caters to all aspects and all classes in Hong Kong. With extensive representation, it can better reflect the views, demands and desires of Hong Kong compatriots, ensuring that the drafting of the Basic Law of the HKSAR fits the actual situation in Hong Kong." (Peng Chong: "Explanations on the Drafting Committee Membership List (Draft) for the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.")

Hong Kong drafters on the Basic Law Drafting Committee were broadly representative. However, since they were not elected by Hong Kong citizens, they lacked an appropriate representative basis. In order to lay the political foundation for the social contract of the Basic Law, the central government established the "Basic Law Consultative Committee," modelling on the advisory committees as practiced by the British Hong Kong Government in the "administrative absorption of politics." As an advisory body, the committee provided informative comment to the Basic Law Drafting Committee on behalf of Hong Kong citizens, thereby increasing the chance for Hong Kongers to take part in the conclusion of the social contract of the Basic Law. In order to enhance the representation of various sectors, the Advisory Committee number was increased from 80 members to 180, covering more than a dozen interest groups, ranging from business, industry, finance, real estate, judiciary, professional services, media, grassroots organizations, religions, some drafters, to leaders among overseas Hong Kongers in Britain. Membership of the Advisory Committee came about in various ways, including "recommended" by relevant bodies and registered societies, "invited" by members of the Basic Law Drafting Committee and "self-recommended" by individuals and groups. In order to strengthen the representative character of the Advisory Committee, it was originally planned to invite Chung Sze-yuen and other members of the two Councils and some prominent Taiwanese in Hong Kong, but these figures refused to take part for political reasons. Suffice it to say that the Basic Law Consultative Committee essentially covered the "upper, middle and lower classes; leftists, centrists and rightists; Chinese and foreigners; male and female as well as old and young." By "rightists," it meant those people opposed to the CPC and not approving the return of Hong Kong at the time. The organizing of the Basic Law Consultative Committee greatly stimulated the enthusiasm of Hong Kong society, with the middle class and professional sector getting increasingly passionate about politics, a multiplicity of groups and organizations emerging, and mass participation laying a foundation of legitimacy for the Basic Law.

Thus, the drafting of the Basic Law had the appearance of a Constitution Convention. It was both political consultation between the Mainland and

Hong Kong drafters, and negotiation between political parties in Hong Kong over political interests. On many of the key issues, the process was more like a "limited" equal negotiation between mainland drafters and Hong Kong drafters. The term "limited" implied that the content of the negotiation had been identified to be the Central government's policies towards Hong Kong as posted on the Joint Declaration. In the form of negotiation, the central government was absolutely dominant, therein also embodying or this reason that the Basic Law drafting procedures were extremely important. The central government proposed to adopt democratic consultation. However, Liu Yiu-chu, barrister and Hong Kong delegates to the NPC, took the lead in opposition. She considered the consultation was neither clear nor scientific. Instead, she advocated voting by ballot, which gave procedural justice. But at that time, the mainland and Hong Kong had very different ways of thinking. Furthermore, different classes in Hong Kong had insufficient trust in each other. Had we gone for voting, it could only have led to political polarization rather than to consensus. Moreover, procedurally just voting would definitely repress the opinion of the minority. In this case, since mainland drafters were the majority, the opinions of the Hong Kong drafters would have counted for nothing.

In order to lay the foundation for the legitimacy of the Basic Law and win the support from the majority of Hong Kong drafters, the central government insisted that, in order to reach a consensus, the drafters must adopt democratic deliberation, seeking common points on the basis of reserving disagreements. After some debate, most of the drafters agreed with democratic consultation. Later, even the Basic Law Advisory Committee advocated "democratic consultation, all-inclusiveness, seeking common ground, not forcing 100% unanimity, and not going for a ballot system." But putting the principle of consultation into practice meant that the "mainland drafters should first have their Hong Kong counterparts express their opinions, listen to them, reflect these opinions in wording, try to meet these views as far as possible, and consider reasonable feedback from different sectors of Hong Kong." This meant, despite the mainland drafters being the majority, they had to respect and take on board the opinions of Hong Kong drafters and advisors who were the minority. The consultation helped protect the interests of political minorities, and achieved a win-win situation on the basis of seeking common ground while reserving differences. On the basis of political consultation and for the purpose of seeking common ground, Deng Xiaoping defined the basic principles for drafting the Basic Law as "focusing on the general rather than details" that is, write down the greatest consensus of both parties, and keep the differences between the two sides for resolution at a future date.

10.3 III

Since the process of drafting the Basic Law was actually the re-negotiation of a social contract between Hong Kong and the central government (mainland), the Law is essentially a "law on the relations between the central government and the

HKSAR." One of the particular focuses during the drafting process was the relation between the central government and the HKSAR because the "extent" of the "high degree of autonomy" should be defined through laying down the measurable and specific provisions in the Law. On this point, there were three main issues of contention. First was the issue of "residual power."

Some Hong Kong drafters believed the relation between the central government and the HKSAR should resemble the confederation relation existing between Britain and Canada as well as Britain and Australia, or the relation between federal governments and the state government in a federal state. Therefore the "residual power" not specified in the Law should belong to the HKSAR. Some Hong Kong drafters thought "high degree of autonomy" meant the central government should be left as little power as possible, such as retaining the power of defense and foreign relations but leaving everything else to the HKSAR government. Some other Hong Kong drafters held that the Basic Law should clearly define the power of the central government and the power of the HKSAR. The HKSAR government should have control in as yet unforeseen "gray areas" or "undefined powers." Obviously, the mainland drafters did not concur with this view. Being a unitary state, sovereignty belonged to the central government, so it was the central government that authorized a high degree of autonomy for the HKSAR. The "residual power" thus should belong to the central government. Because of these disputes, the Basic Law does not expressly stipulate the ownership of "residual power."

Second was the relationship between the Constitution and the Basic Law. Some Hong Kong drafters worried that the central government might use the Constitution to negate the validity of the Basic Law. Other drafters pointed out that Article 31 of the Constitution, which specified the establishment of special administrative regions, did not stipulate the SAR's practice of capitalism. Thus, they proposed adding a section to define the "relation between the Constitution and the Basic Law," spelling out which article of the Constitution would and would not be applied in HKSARG. A few number of the Hong Kong drafters threatened to vote against the draft if their mainland counterparts did not agree with their proposal. Eventually, the mainland side conceded, agreeing to this inclusion. Due to these disputes, the Basic Law does not explicitly define the issue. However, its Annex III sets out which mainland laws apply to Hong Kong. The Nationality Law and the Resolution on the National Flag are among those undoubtedly applicable whereas the Constitution is not. That is why some Hong Kongers believe the Constitution to be invalid in Hong Kong.

Third was the right to interpret the Basic Law. This issue led to "the most divisive and prolonged debates during the drafting of the Basic Law." Both sides understood that he who controlled the right to interpret the Law was, in a sense, the controller of legislative power. Hong Kong drafters stuck to the common law tradition in Hong Kong and advocated the exercise of interpretation power by the Hong Kong courts, while mainland drafters adhered to mainland traditions and claimed that the NPC Standing Committee should exercise the power according to the Constitution, since the Basic Law was made by the NPC. Finally, both sides made concessions, creating a complex mechanism for interpreting the Basic Law.

The NPC Standing Committee has the power to interpret the Basic Law. However, for the articles within the autonomy of Hong Kong, HKSAR courts should be authorized to interpret by themselves, whereas for the articles out of the scope of autonomy, the SAR Court of Final Appeal should request the NPC Standing Committee to make interpretation. The original purpose was to establish a positive and interactive relation between the "two systems," more specifically, between the legislative and the judicial systems, and between interpretation and judgment. However, after the return of Hong Kong, the legal profession in Hong Kong tried to deny the NPC's right of interpretation, which has led to lasting controversy over the issue of "NPC interpretation of the Basic Law."

On the relationship between the central government and the HKSAR, many problems were solved easily because the central government stipulated a framework for its policy towards Hong Kong, and made maximum compromises and concessions. Nevertheless, the issue of Hong Kong's political system was much more complicated, controversial, and almost irreconcilable because it related to Hong Kong local political interests, the ownership of Hong Kong governance, and the relation between the central government and the HKSAR. Firstly, opinions were divided on whether Hong Kong's political system should be "legislature-led" or "executive-led." The former was similar to a cabinet system, putting the Legislative Council at the center of political power, and the HKSAR Government should be produced by and accountable to the Legislative Council. The latter was similar to a presidential system, giving greater powers to the Chief Executive, a person not elected by or accountable to the Legislative Council. The "pro-democracy camp" advocated a "legislature-led" system, and in fact, the British Empire promoted a transition to representative system during its retreat, trying to control governance over Hong Kong through pro-British forces (i.e. the "pro-democracy camp") via elections to the Legislative Council. Thus, Martin Lee, a drafter of the Basic Law, believed that the Legislative Council should have the highest legal status in Hong Kong government and enjoy greater powers, including supervision power, the right of making motions, the right to vote on no confidence against the Chief Executive, the right to summon the Chief Executive to testify, and so on. Meanwhile, the Chief Executive should be subject to greater control by the Legislative Council and should have no right to dissolve it.

The "pro-democracy" drafters found a legal basis for their "legislature-led" proposal in the Sino-British Joint Declaration. In an annex to the Joint Declaration, the basic policy line of the central government towards Hong Kong is defined as follows: "The legislature of the Hong Kong Special Administrative Region shall be constituted by elections. The executive authorities shall abide by the law and shall be accountable to the legislature." In English, the concept of "accountability" connotes that the power is from the source of representative system, or more specifically, that the executive branch is empowered by and accountable to the Legislative Council. This proposal was clearly intended to design Hong Kong's political system into a cabinet system. In actual fact, during the Joint Declaration negotiations, it was not until the last minute that the Chinese side agreed to the election of Legislative Council. The British side manipulated China's lack of

understanding of the political theories on western representative systems, making a trap of the of the "accountability" concept. During the drafting of the Basic Law, the trap came to light. The central government was forced to explain the Chinese meaning of "accountable" to the Hong Kong drafters in the Chinese context and Chinese constitutional tradition. Faced with such differences, voting couldn't solve the problem. Thus, in April 1986, the issue was not resolved at the meeting in Shenzhen. Later, the Drafting Committee took the "easy-things-first" approach and analyzed what elements of the British Hong Kong government were worth preserving. The Hong Kong drafters naturally wanted to follow the executive-led system used by the British Hong Kong government over the years. As a result, in August 1986, the Drafting Committee basically agreed at their meeting in Xiamen to adopt the executive-led system whilst increasing the power of the legislature on a limited scale as a counterweight.

It was the party politics that lay behind the question of which system to adopt. It is easy to bring about party politics in a legislature-led system. The "pro-democracy camp" on the drafting committee who favored a legislature-led system were hoping to organize a political party and rise to power via political election. To this end, Martin Lee proposed to formally discuss the issue of party politics on the Drafting Committee in the hope of including party politics in the Basic Law. At that time, mainland drafters worried that the "pro-democracy camp" in Hong Kong might take over the right of administration in Hong Kong via party politics, while some Hong Kong drafters worried that the central government might organize communist organizations in the name of party politics and directly govern Hong Kong through election. Both outcomes would damage "one country, two systems" and were hard to give voice to. The government system group of the Basic Law Drafting Committee voted to reject the proposal. Hong Kong drafter Li Fook-sean held that there was no need to specify party politics since the Basic Law specified that Hong Kong citizens had the freedom of association, which of course included political parties. He provided an appropriate "form of words" for the issue. However, as time went by, the special political environment in China led to changes in the national psyche, which naturally affected how "one country" was constructed in the Basic Law. The plan for Hong Kong's political system also underwent some subtle changes.

10.4 IV

In the middle and late 1980s, while the Basic Law was being drafted, people in the mainland were enthusiastic about the discussion of political democratization, resulting in that theories on democracy and universal suffrage, and separation of the three powers were extremely popular. Originally, the Joint Declaration only required that the Chief Executive shall be selected by election *or* through consultations and the Legislative Council shall be constituted by election. It did not stipulate that both shall be formed by universal suffrage. However, in the prevailing

political atmosphere, it was so easy to understand election as "universal suffrage" that the concept was written into the Basic Law with hardly a demur. Its inclusion subsequently led to controversy over Hong Kong's political system (see Chap. 13). At that time, the wide divergence of opinion was not on whether "universal suffrage" should be adopted, but rather how quickly it shall be materialized. On this issue, the disagreement between the mainland drafters and Hong Kong drafters was less intense than that between the Hong Kong's business sector and its "pro-democracy camp."

In a nutshell, the business sector advocated indirect elections and a slower pace towards direct elections while the "pro-democracy camp" advocated immediate election of the Chief Executive and all Legislative Councilors by universal suffrage. For example, the most conservative "Cha Chi-ming Plan" proposed that the first and second terms of the Chief Executive should be produced through negotiation between the central government and an Advisory Council, the latter composed of people from all sectors in Hong Kong. With every subsequent Chief Executive, the Advisory Council should nominate two or three candidates, and, after consultation with the central government, these candidates could participate in election by all voters or an electoral college.

By contrast, the most radical "Martin Lee Plan" suggested that the legislature elect the Chief Executive. Faced with such a disagreement, a total number of 57 advisors from the business sector (later the number increased to 89), under the lead of Vincent Lo, Lo Tak Shing, Leung Chun-ying and Wu Wai-yung, proposed the "89 Plan." Under their proposal, the Chief Executive should be produced as follows, namely forming a widely representative "Grand Electoral College" first and the College generating a nomination committee to nominate a slate of candidates, from which the Grand Electoral College would elect the Chief Executive. The college had 600 members, mainly consisted of members from the business sector. When explaining the spirit of the plan, Wu Wai-yung made it clear that it aimed at preventing the "pro-democracy camp" from adopting a "free lunch" policy after winning a direct election which would be harmful to the prosperity and stability of Hong Kong. Meanwhile, it was also designed to prevent the CPC from organizing mass movements and becoming the biggest winner. Besides, he believed that an electoral college composed of eminent people from the business community could guarantee the capitalist system in Hong Kong. After this plan was announced, the "pro-democracy camp" advisors obtained signatures of 190 group representatives and individuals and proposed a plan named "190 Plan," suggesting that the Chief Executive candidates should be nominated by the Legislative Council, and elected by universal suffrage. These four plans came up for discussion at the third plenary meeting of Basic Law Drafting Committee, held in Beijing in November 1986.

The same disagreement remained regarding election plans for the Legislative Council. The most conservative "Li Fook-sean Plan" advocated that all members should be indirectly elected by functional constituencies and the most radical "Martin Lee Plan" advocated that all members should be elected by universal suffrage immediately. The middle-of-the-roaders included the "Louis Cha Plan" (half the members elected by functional constituencies and half by direct election),

the "1989 Plan" (half of the members elected by functional constituencies, one-fourth by the electoral college, and one-fourth directly elected by geographical constituencies with candidates nominated by the electoral college), and the "190 Plan" (half the members directly elected by geographical constituencies, one-fourth by functional constituencies, one-fourth indirectly elected by geographical constituencies). All these proposed plans were discussed at the third plenary meeting of the Basic Law Drafting Committee in Beijing in November 1986.

The two different plans for Hong Kong's political system reflected two entirely different perspectives on the relationship between the central government and the HKSAR, and also a trial of strength between two political forces. Whereas before the signing of the Joint Declaration the central government was mainly challenged by Hong Kong political elites led by Chung Sze-yuen in the British Hong Kong Legislative Council and the idea of "ceding sovereignty in return for continued administration" in the late 1980s, with the wide social involvement during the drafting of the Basic Law and the representative system reform advanced by the British Hong Kong Government (see Chap. 11), the central government mainly faced Hong Kong grassroots political elites who had been elected by geographical constituencies and had risen to power through political movements. These constituted the so-called "pro-democracy camp" including the "pro-reunification democracy camp" and the "anti-China democracy camp." In the delicate relationship between the central government, Hong Kong's business sector, and the Hong Kong pro-democracy camp, the business sector hoped the central government could continue maintaining the strength of Hong Kong's capitalist system, a wish that tallied with the central government's policies towards Hong Kong. However, the "pro-democracy camp" was not in favor of Hong Kong being a purely commercial city, and didn't want Hong Kongers to be economy-focused and indifferent to politics. They not only hoped to come to power by universal suffrage to govern Hong Kong, but also changed Hong Kong into a political test bed, and a democracy test bed exerting an impact so profound on mainland politics as to change the socialist system in the mainland. Therefore, during the process of drafting the Basic Law, a complex and lively political struggle emerged over issues on political system and universal suffrage. The progress of democratization in the mainland tipped the balance in favor of the Hong Kong pro-democracy camp and the West. At the third plenary meeting of the Basic Law Drafting Committee in Beijing in November 1986, albeit with some disagreements over specific plans for the political system, it was agreed that the "separation of the three powers" should be the mode of government in Hong Kong. The principles of "separation of powers as well as checks and balances" began to replace the idea of the "executive-led system."

At this point, at the helm of the "one country, two systems" journey and from the height of global strategy, Deng Xiaoping was acutely aware of the international liberalization climate trending through Hong Kong, Eastern Europe, the Soviet Union and the Chinese mainland. In his view, the nature of this "liberalization wave" would deny leadership by the Party, reject the socialist road, and establish the rule of the bourgeoisie, which was dependent on the West. China could only be thrown into civil unrest, and the great chance to develop its economy would be

missed. Thus, at the 6th Plenary Session of the 12th Central Committee of the CPC, Deng Xiaoping insisted on adding "anti-bourgeois-liberalization" to the session's resolution, and demanded that the speech be put into his collected works without changing a word. At the end of 1986, after handling the student movement, Deng Xiaoping reiterated before Politburo Standing Committee members the importance to China of "anti-bourgeois liberalization." He says:

> Democracy can develop only gradually and we cannot copy Western systems. If we did, that would only make a mess of everything. Our socialist construction must be carried out under the leadership of the Party, in an orderly manner and in an environment of stability and unity. That's why I place such emphasis on the need for high ideals and strict discipline. Bourgeois liberalization means rejection of the Party's leadership; there would be no center around which to unite our one billion people, and the Party itself would lose all power to fight. A party like that would be no better than a mass organization; how could it be expected to lead the people in construction? The Struggle against bourgeois liberalization is indispensable. We should not be afraid that people abroad will say we are damaging our reputation. We must take our own road and build a socialism adapted to conditions in China – that is the only way China can have a future. If our country were plunged into disorder and our nation reduced to a heap of loose sand, how could we ever accomplish anything? The reason the imperialists were able to bully us in the past was precisely that we were a heap of loose sand.[1]

The thing that made Deng Xiaoping a great politician was his ability to grasp the core political issues at the most critical moment, which is the fate of our nation. In his view, China's fate depended on avoiding internal strife, and rising as a great power. With such understanding, he was aware that the key for China was political stability but democracy. But could Hong Kong, the window to the capitalist world, become the base to promote political liberalization and democratization of China? Would it become the source of political turmoil in China after reunification? The 1986 student protests made Deng Xiaoping reflect on the arguments over Hong Kong's political systems during the drafting of the Basic Law. He clearly recognized that the crux of Hong Kong's political system was whether the power of governance could remain in the hands of the patriotic camp. It was not just an issue of democratization, but also one of political leadership, the relationship between the central government and the HKSAR, and whether "one country" could be constructed. This was the soul and essence of the Basic Law, then being drafted.

To this end, in April 1987, he met the members of the Committee for drafting the Basic Law, and gave instructions on the political system, the most divisive element of the process. He emphasized that Hong Kong's political system must be designed in the context of "one country." Because of China's historical experience, the mainland had chosen the socialist system and not the Western separation of powers and multi-party elections. "It fits the realities of China … contributes to the prosperity of the country." Similarly, "the Hong Kong system shouldn't be completely westernized and shouldn't copy that of the West." Instead, the system must comply with the actual situation in Hong Kong. Furthermore, the current system in

[1] *Annals of Deng Xiaoping*, December 30, 1986.

Hong Kong was not a copy of that in Britain or America. So, what was the "actual situation in Hong Kong"? It was to implement "Hong Kong people ruling Hong Kong" under "one country." To prevent "Hong Kong people ruling Hong Kong" from undermining the construction of "one country," it was necessary to implement "patriotic people ruling Hong Kong." But the problem was:

> Would universal suffrage definitely be beneficial for Hong Kong? I do not think so. For example, as I have said before, Hong Kong's affairs will naturally be administrated by the people of Hong Kong, but will it do for the administrators should be elected by a general ballot? We say that Hong Kong's administrators should be people who love the motherland and Hong Kong. Would universal suffrage necessarily produce such people? Recently the Governor of Hong Kong, David Wilson, said things should be done gradually, a view that I think is realistic. Even if a general election would be held, there would have to be a transition period – it would have to be gradual process.[2]

Thus, the key to democracy and universal suffrage in Hong Kong lay in the construction of "one country." That is whether the universal suffrage could ensure "patriotic people ruling Hong Kong," and whether it would lead to political tensions between the central government and the HKSAR, thus affected the stability of the country. Based on these fundamental issues related to the political system, Deng Xiaoping made it clear that the Basic Law should give the central government necessary powers to intervene in Hong Kong, and prevent harm to fundamental national interests from happening:

> Don't ever think that everything would be fine if all affairs of Hong Kong were administrated solely by Hong Kong people while the Central Government had nothing to do with the matter. That simply wouldn't work – it is not a realistic idea. The Central Government certainly will not intervene in the day-to-day affairs of the HKSAR, nor is that necessary. But isn't it quite possible that something could happen in the region that might jeopardize the fundamental interests of the country? Couldn't such a situation arise? If that happened, should Beijing intervene or not? Isn't it possible that something could happen there that would jeopardize the fundamental interests of Hong Kong? Could we imagine that there are in Hong Kong no forces that might engage in obstruction or sabotage? I see no grounds for taking comfort in that notion. If the Central Government were to abandon all its power, there might be turmoil that would damage Hong Kong's interests. Therefore, it is to Hong Kong's advantage, not its disadvantage, for the Central Government to retain some power there. You should soberly consider this point: Isn't it possible that there might arise in Hong Kong a problem some time that could not be solved without Beijing's intervention? In the past when Hong Kong ran into a problem there was always Britain that could intervene. There will always be things you will find hard to settle without the help of the Central Government. It is the policy of the Central Government that the interests of Hong Kong should not be harmed, and we also hope that nothing will happen in Hong Kong itself that will harm its interests or the interests of the country as a whole. But what if something did happen? I should like to ask you to think this over and take it into consideration when drafting the basic law. You should also consider a few other things. For example, after 1997 we should still allow people in Hong Kong to attack the Chinese Communist Party and China verbally, but what if they should turn their words into action, trying to convert

[2] *Deng Xiaoping on "One Country, Two Systems"*, Joint Publishing HK, 2004, p. 57.

> Hong Kong into a base of opposition to the mainland under the pretext of "democracy"? Then we would have no choice but to intervene. First the administrative bodies in Hong Kong should intervene; mainland troops stationed there would not necessarily be used. They would be used only if there were disturbances, serious disturbances. Anyway, intervention of some sort would be necessary.[3]

From this well-known speech, we can clearly see Deng's distinction between the two states of politics, i.e. the normal state and the emergency state. In the normal state, the central government would not interfere in Hong Kong's affairs, nor would it need to. But in times of crisis, the central government would have to come forward to intervene because Hong Kong would be unable to resolve the crisis. The Basic Law, as Hong Kong's mini-constitution, must consider what to do in facing an emergency, and must leave the sovereign power enough room to take rescue measure in such a situation. If the Basic Law only considered the normal state and limited the central government's power as much as possible, then, in a crisis situation, the central government would be forced to use its troops and solve the problem by military means, a scenario obviously not favored by the central government or the people of Hong Kong. Therefore, the provision of necessary intervention power to central government in the Basic Law is precisely for prevention of emergencies. It hopes to ensure Hong Kong politics always in the normal state, avoiding the use of the military by the central government to intervene in Hong Kong's political situation.

In the early years of the United States, similar ideas appeared in the debate between federalists and anti-federalists about the size of federal power. The anti-federalists naively believed that the states would coexist peacefully, whereas the federalist view was that conflicts of interest and wars were inevitable, since people were inevitably affected by interests and passions. As a result, Americans had to make a choice between the state of war and the state of law—if the federal government was deprived of power, the end result would be the state of war and the federation would be forced to rule the states by military means. But no government could maintain its rule by military means. The result could only be the "collapse of the federation." Therefore, for the peace of the federation, to avid war and maintain the state of law, the federal government had to be given the power to exercise legislative and judicial power over individual citizens. Deng Xiaoping may not have read the federalists' works, but great statesmen are similar deep down—they understand the essence of politics, namely, the secret of human nature.

Although Deng Xiaoping gave guidance on designing the political system and universal suffrage in Hong Kong, at this time the content framework in the Basic Law on the political system had been set, for instance, the "universal suffrage" had already been decided. Following the executive-led system principle, the Basic Law drafters would give greater powers to the Chief Executive, and the Legislative Council would have comparatively weaker power. For example, legislators could not introduce bills related to public expenditure, political structure or the operation

[3]Ibid.

of the government. If they wanted to introduce any bill related to the government, they had to obtain the written consent of the Chief Executive. However, in order to respect the views of some Hong Kong drafters, the mainland drafters saw no need to specify the word "executive-led" in the text. As for the mode of elections for Chief Executive and Legislative Council, since "universal suffrage" had been set as the target, only the "proper sequence" was open for discussion. The final dispute centered on deciding the numbers of directly-elected seats and functional constituencies in the Legislative Council.

As China and Britain had reached political consensus on a smooth transition, the direct election of the British Hong Kong Legislative Council had to be "converged" with that of the post-reunification Legislative Council. With each party having its say over its part of the issue, the two parties had to negotiate, and it was only in 1990 when the Basic Law was formulated that the details were decided on direct election of the post-1997 Legislative Council. China and Britain were well aware that the pace of the election of Legislative Council by universal suffrage would directly influence the political structure of the SAR, the relationship between the central government and the KHSAR, and the building of "one country." The foreign ministers of China and Britain eventually reached consensus through communication on this fundamental issue (see Chap. 12). In fact, as one of those involved said, "Around 1997, due to the special status of Britain in Hong Kong, the Chinese government welcomed Britain's participation in the process and respected the views of the British side … Britain was involved in the whole drafting process of the Basic Law. It gave opinions on each chapter, each section, each paragraph and even individual word, with an extraordinary level of meticulousness."

Whether as a political consultation between Hong Kong and the mainland (central government) or a negotiation between Britain and China, the Basic Law is by nature a law defining the relationship between the central government and the SAR, and a constitutional document for the restoration of national sovereignty while preserving the capitalist system in Hong Kong. It is aimed at keeping the original way of life of Hong Kongers by means the "two systems," and realizing "one country" by ensuring "patriotic people ruling Hong Kong." The Basic Law turned "one country, two systems" from political policy to a real, functional legal system.

10.5 V

> After nearly five years of hard work, you have produced a law that is of historic and international significance. By historical I mean it is significant not only for the past and the present, but also for the future. By international and far-reaching, I mean it is significant not only for the Third World but for all mankind. This document is a creative masterpiece.

In 1990, after the Basic Law was drafted, Deng Xiaoping had a special meeting with all the drafters. At the first meeting in 1987 he made a lengthy speech, but this time he spoke briefly, giving high praise to the Basic Law. From its conception,

negotiation to putting into law, Deng Xiaoping devoted great effort to the idea of "one country, two systems." The Basic Law can justifiably be called "Deng Xiaoping's Basic Law." It is an integral part of the Constitution of the People's Republic of China (1982), which is also nicknamed the "Deng Xiaoping Constitution." Together with the Basic Laws of Hong Kong and Macao, it reflects Deng Xiaoping's entire vision of the Chinese political system.

In order to extend national sovereignty lawfully to Taiwan, Hong Kong and Macao, Article 31 of the Constitution stipulates that the NPC shall establish special administrative regions when necessary. However, this is merely a procedural provision with no substantive content. The question is whether the NPC has the power to change the country's constitutional system established by the Constitution, and even destroy the constitutional powers of other state institutions? For example, the Constitution gives the Supreme People's Court the power of final adjudication within Chinese territory, but the Basic Law, adopted by the NPC, forbids exercise of such judicial adjudication in the HKSAR. From a formalist standpoint, the development of the Basic Law by the NPC was clearly unconstitutional, because although the NPC is the highest organ of state power, it does not have the power to go against the Constitution from which its sovereignty and authority derive. This question precisely reflects the particularity of the Basic Law. Although the Basic Law is a "law" enacted by the NPC, it is not an ordinary "law" but a constitutional law used to construct national sovereignty in Hong Kong. It is called the "mini-constitution" because it constructs national sovereignty in Hong Kong. Therefore, whether it is Hong Kong's political system, or the election of Chief Executive and the Legislative Council by universal suffrage, it is not just the internal division of power in Hong Kong: it is related to the relationship between the central government and the HKSAR, and related to the effective implementation of "patriotic people ruling Hong Kong" and the central government's exercise of sovereignty there. Because the Basic Law constructs sovereignty, China can actually exercise its right of sovereignty in Hong Kong.

Thus, the NPC's establishing of the Basic Law should not be understood formalistically. It must be regarded as a pre-Constitution state-building activity. Here, we must distinguish "political state-building" from "constitutional state-building." The former is the construction of a political community, while the latter is to give that political community legal clothing and consolidate it. New China in 1949 meant that the state-building task of constructing a political community was finished, including the construction for Hong Kong, Macao, and Taiwan. Hong Kong and Macao were legacies of history, while Taiwan was the result of civil war. Subsequent the Constitutions from 1954 to 1982 gave the state different constitutional forms at different times. The preparation of the Basic Laws of Hong Kong and Macao were regional "constitutional state-building" on the premise of constructing the political community with "patriotic people ruling Hong Kong and Macao." Thus, it is "patriotic people ruling Hong Kong" that really serves as the absolute Constitution for Hong Kong's return to the political community of China. It is the soul of the Basic Law and gives real life to the Basic Law. Without it, the Basic Law would become meaningless words on paper.

Seen from the perspective of "constitutional state-building," China has undergone four major constitutional amendments both in terms of its principle and structure. That were from the "Common Program" through the 1982 Constitution to the formulation of the Basic Laws of Hong Kong and Macao. However, unlike France's First Republic to the Fifth Republic, the "People's Republic of China" has not changed. This is because the CPC-led multi-party cooperation system has not changed. Amendments to constitutions and preparation of Basic Laws have consolidated and defended this political community with different forms of constitution under different historical conditions. Therefore, during the preparation of the Basic Law, controversies over Hong Kong's political system and the mode and pace of universal suffrage centered on how to guarantee the absolute constitution of "patriotic people ruling Hong Kong." This was precisely the key to consolidating the political community. The constitutionality of the NPC's determination of the Basic Law lies in the CPC-led socialist system formed during political state-building as described in the preamble to the Constitution. "One country, two systems" is a policy of the CPC, and part of Deng Xiaoping's theoretical system of "socialism with Chinese characteristics." Thus, legal formalism cannot distinguish between the elements of "one country" and that of "socialist" in the Constitution; it is also meaningless to discuss the legality or the governance of the CPC in Hong Kong by legal formalism. The ruling status of the CPC was established during the "political state-building." The "constitutional state-building" can only improve its form. Therefore, there is no doubt that the CPC is the ruling party in the HKSAR, but due to the presence of the Basic Law the CPC adopts a different way of ruling in Hong Kong from that in the mainland. There the Party Committee guides the government; in Hong Kong, it governs through "patriotic people ruling Hong Kong." Specifically, it governs according to the relationship between the central government and the HKSAR determined by the Basic Law and the HKSAR government's "separation of powers with executive-led system."

However, we must recognize that, from the Common Program to the Constitution, each thorough amendment has brought about major changes to the form and image of the country, just as the making of the Basic Law has undoubtedly done. Since then, China is no longer a unitary socialist state, but a hybrid state with socialism as the mainstay supplemented by the capitalist system. It is no longer the traditional unitary state, but a unitary state with regional "high degree of autonomy." Therefore, the 1982 Constitution does not reflect "China" as it appears today and its current image is only shown by putting the Constitution and the Basic Law together. If we take into account the regional autonomy of ethnic minorities in the mainland, the Basic Law of Macao, and the constitutional construction for future settlement of the Taiwan issue, the image of "China" goes way beyond the scope of the nation-state in Europe and returns to the classical "diversified and unified" style of civilized China (see Chap. 9). Such a "New China" is jointly constructed by the 1982 Constitution, the Basic Laws of Hong Kong and Macao, and the laws to deal with the Taiwan issue in the future. In this sense, China is a state with an unwritten constitution, even though it does have a written constitution in the strict sense. Its Constitution is composed of different

constitutional documents. Nicknamed the mini-constitution of Hong Kong, the Basic Law of Hong Kong is one of the most important constitutional documents in the unwritten constitutional system of the state.

Thus, we can understand why Deng Xiaoping unashamedly heaped the highest praise on the "Deng Xiaoping's Basic Law," just like Napoleon did with the French Civil Code. In my opinion, the historical significance of this creative masterpiece was its deployment of modern legal arts to deftly handle frontier issues unsettled in history. Furthermore, it reincorporated the classical civilized China into the scope of the modern nation-state, thereby displaying an appeal distinct from Western political systems. Napoleon developed the political imagining of the modern nation-state to the extreme in France, and Deng Xiaoping resurrected the political imagining of "China." That imagining has just begun, leaving room for development by later generations. This will perhaps be of long-term significance to human civilization.

Chapter 11
Retreat: From Gradual Transition to Radical Revolution

11.1 I

On 9 July 1992, the last governor Chris Patten arrived at the Queen's Pier in Hong Kong together with his family. Built specifically for colonial officials by the British Hong Kong government, the pier has witnessed the arrival and departure of every Hong Kong governor. The arrival of Queen Elizabeth II in 1975 and the departure of Prince Charles on 1 July 1997, all happened on the Queen's Pier. In 2007, the decision of the HKSAR Government to demolish the pier owing to the consideration of further construction led to resistance from the younger generation. They were not simply protecting a place of historical interest, but Hong Kong's collective memory, something of great importance to the younger generation. This was due in part to the marginalization of Hong Kong that accompanied the economic rise of mainland and the consequent loss of Hong Kongers' sense of superiority over mainland Chinese, the former becoming more sensitive and vulnerable. Another aspect to this is cultural identity barrier, Hong Kongers feeling anxious and confused with the blurring of the distinction between the "two systems" while national identity is still in flux. In this case, the collective memory of the past seems to have become a mark of reaching adulthood for the younger generation. Memories of past glory are alive in such historical street names as Hennessy Road, Des Voeux Road, Lockhart Road and Queen's Road, in the Queen's Pier, and in the honors sported by Hong Kong elites … CBEs, cross medals, knighthoods, and so on.

As was the custom, Hong Kong's dignitaries and ordinary citizens lined up at the Queen's Pier to welcome their master, the new Governor of Hong Kong. Unexpectedly, the last governor broke with colonial tradition and did not follow the Colonial Regulations which stipulated the wearing of a plumed hat, epaulettes, saber and other such symbols of imperial glory and majesty. Patten wore civilian clothes; he smiled and waved to the citizens, without the pomp and show of past governors. His fresh appearance was the subject of animated discussion among

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Hong Kongers. On his second day in office, Patten took up the figure common to elected politicians. He took the subway, walked among the crowds, rode on trains, travelled mountain roads, visited the "Ladies' Market," drank tea in corner shops, and got up close the citizens. This caused a sensation throughout Hong Kong—for the first time in its century-long history the governor of Hong Kong walked among citizens like an ordinary man. It was as if a god had descended to earth. As a veteran politician, Patten was good at using humor to attract people, and he used body language to great effect also, his every gesture captured by the media.

Of course, Patten was clear that public opinion is shaped by the media. So, in the garden behind Government House he held a press conference about the inauguration ceremony, and spread his policies by answering questions from the media. This modern political technique was commonplace in the United States since presidents often received reporters in the Rose Garden of the White House, but it was entirely new to Hong Kong media. Patten's entourage included a press secretary from London. As a master of creating "public opinion," this person was responsible for sorting out the daily highlights of the Hong Kong media in the shortest possible time, planning media strategies and announcements, and coaching Patten in answering questions. Normally, press secretary served only elected politicians in Downing Street, not career diplomats or colonial governors. As a result, the media and the people guided by it were completely fascinated by Patten's dazzling moves, and watched his performance like worshiping a movie star. Hong Kongers were overwhelmed, as if they were in a fairyland. Even today, whenever Patten visits Hong Kong, he still draws a lot of attention. Hong Kongers still relish Patten's political show and remember the mania surrounding him back then.

Why did a colonial governor go against tradition, acted as a social agitator and created an image of himself as an elected statesman? If he knew nothing but how to perform, Patten would be just a second class politician. However, he was a statesman because he had the vision, strategy and political skills of a statesman. He had a powerful political philosophy and a complete political program, and knew how to implement them. His easy-going persona before the media and the public were in sharp contrast with his arbitrary and harsh side in Hong Kong government. The former image helped him win the support of public opinion, and the latter helped him in completing the reorganization of political power. To achieve his goals, he exploited his power of appointment to abandon former strategic allies in the Legislative Council and the Executive Council and bring his new political allies into the political system. He drove away the business elites who entered the British Hong Kong system through "administrative absorption of politics." The new allies were the "pro-democracy camp" activists who had gathered together at the end of 1980s. In 1993, after more than a year of shaping public opinion and careful arrangement of the political power structure, Patten finally played his trump card—the "political reform plans."

11.2 II

During the two decades from MacLehose's visit to China in 1979 which opened Sino-British negotiations over Hong Kong to the return of Hong Kong in 1997, the British Empire used two strategies to achieve its political goal of Hong Kong independence or complete autonomy. The first of these strategies was diplomacy. Britain held diplomatic negotiations with the Chinese government, fighting for the most favorable external conditions for Hong Kong autonomy or independence. This point can be seen clearly in the signing of the Joint Declaration and the formulation of the Basic Law (see Chap. 10). The second was internal affairs. Britain promoted political democratization in Hong Kong in the last days of its administration, looking to hand over political power to pro-British Hong Kongers and creating de facto independence of Hong Kong. These strategies were often used by the British Empire during its retreats (see Chap. 4). It was also the goal set by Thatcher for Sino-British negotiation: "Our negotiating aim was to exchange sovereignty over the island of Hong Kong Island in return for continued British administration of the entire Colony well into the future. … I proposed that in the absence of progress in the talks we should now develop the democratic structure in Hong Kong as though it were our aim to achieve independence or self-government within a short period, as we had done with Singapore. This would involve building up a more Chinese government and administration in Hong Kong, with the Chinese members increasingly taking their own decisions and with Britain in an increasingly subordinate position."[1]

On 18 July 1984, before signing the draft Sino-British Joint Declaration scheduled on September 26, the British Hong Kong Government published its *Green Paper: The Further Development of Representative Government in Hong Kong*, announcing the aims of the proposals as being "to develop progressively a system of government the authority for which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong and which is more directly accountable to the people of Hong Kong" and also "make the executive departments more accountable to the legislature." In other words, the British Hong Kong government tried for gradualist change to Hong Kong's political system, from the executive-led system to a legislature-led system. That is, a representative system in which the executive was accountable to the legislature and the legislature was accountable to the people of Hong Kong. Such a system prevented the future HKSAR government from being accountable to the Central Government, and ensured that Hong Kong maintained a semi-independent political status. The means to achieve this political goal was to introduce the politics of election. Thus, the British Hong Kong government changed the traditional way of gubernatorial appointment of legislators and introduced functional constituencies.

[1]Thatcher, M. (1993) *The Downing Street Years*, HarperCollins Publishers, p. 259, p. 488.

This is because the British Hong Kong government initially upheld the respect for tradition and order of British liberalism on political system development in Hong Kong (constitutional development or constitutional reform), and adopted gradual reform of the traditional system in order to maintain political stability of the British Hong Kong government. As the *Green Paper* pointed out: "The most distinctive feature of the current system of government in Hong Kong is that it operates on the basis of consultation and consensus. It is not a system of based on parties, factions and adversarial politics but one of broad agreement that seeks to take a pragmatic approach to the problems of the day … The very real advantages of this system, which have enabled Hong Kong to enjoy sustained periods of economic growth and internal stability, must not be forgotten, or lightly thrown aside." But more importantly, this system would be conducive to consolidating the political alliance between the British Hong Kong government and the Hong Kong business and professional elites, and preventing the election of Chinese-government-backed leftists to the British Hong Kong government. In this regard, the *Green Paper* bluntly pointed out those direct elections:

> have not, however, been universally successful as a means of ensuring stable representative government. In some cases the political preparation for direct elections has been inadequate; in others their form did not allow them to take root in the customs of the host society; and in consequence they have not endured or have failed to receive adequate support from the population at large … that the special political circumstances of Hong Kong should be taken into account; and that full weight should be given to representation of the economic and professional sectors of Hong Kong society which are essential to future confidence and prosperity. Direct elections would run the risk of a swift introduction of adversarial politics, and would introduce an element of instability at a crucial time.

The British Hong Kong government had a clear political purpose. Chung Sze-yuen, then a senior member of the Executive Council, said the 50 years mentioned by the Chinese government did not mean 50 years after 1997 but 50 years after 1984, and that in order to change that situation, and make it mean 50 years starting from 1997, then it was necessary to revolutionize Hong Kong's system of government by implementing representative reform in the 13-year-run-up to 1997. This "significant change for 13 years, then no change for 50 years" was the basic idea underpinning the British Hong Kong government's promotion of political reform: to this end, it promoted election of the Legislative Council on a functional constituency basis, transforming it gradually from an advisory body to the Governor to a representative institution. In June 1985, the Legislative Council (Powers and Privileges) Ordinance was passed, giving the Legislative Council some absolute powers.

Due to the long-standing practice of "administrative absorption of politics" (see Chap. 1), Hong Kong people were not accustomed to elections. Although there were only 70,000 voters in functional constituency election to the Legislative Council in 1985, the turnout was merely 25,000. Nevertheless, the representative government reform promoted by the British Hong Kong government still drew the political enthusiasm of the younger generation of Hong Kongers, especially the "social school" in the student movement of the 1970s, which became the dominant

force in the political groups that played a consultative role in 1980s politics. In addition, for the drafting of the Basic Law, the Basic Law Consultative Committee began to turn to the opinions of all sectors in Hong Kong. Various political groups were established. Under their promotion, the focus of the 1988 Legislative Council election reform was no longer the increase in the number of members to be indirectly elected, but the introduction of direct election to the Legislative Council. During the Sino-British negotiation, Hong Kongers debated over whether to "return the power of government to China" or "return the power of government to the people." In 1988, however, faced with the issue of direct elections, Hong Kongers split into two camps, the "pro-reunification democracy camp" and "anti-China democracy camp." During the drafting of the Basic Law, this division led directly to controversy over the political system of the HKSAR and the directly elected seats on the Legislative Council (see Chap. 10).

The British government had to push representative reform in Hong Kong before the drafting of the Basic Law so as to influence the development of the Basic Law to exploit "convergence." However, "convergence" was a double-edged sword. The British government could use it to restrict Chinese government on formulation of the Basic Law, but the Chinese government could also use it to restrict the British Hong Kong government's political reform. At that time, the Soviet Union was carrying out democratic reform under the new thinking, China was accelerating economic reform and political reform, and China and the US were enjoying a political honeymoon. Against this background, China and Britain insisted on mutual cooperation and a smooth transition. The British Hong Kong government proposed in the *Green Paper: The 1987 Review of Developments in Representative Government* "avoiding confrontational politics, and taking a pragmatic approach to the issues of the day." In February 1988, it made further clarification in the White Paper, entitled *The Development of Representative Government: The Way Forward.*

> The maintenance of stability requires that the development of Hong Kong's system of representative government should continue to be evolutionary rather than revolutionary … Such evolution must also be compatible with a smooth transfer of government in 1997 … In considering the further development of Hong Kong system of representative government before 1997, account must therefore be taken of the relevant stipulations of the Sino-British Joint Declaration and the deliberations of the Basic Law Drafting Committee over how those provisions should be implemented after 1997 … Having taken account of all the factors mentioned above, the Government has concluded that the introduction of a number of directly elected members into the Legislative Council before 1997 would be a logical and desirable step towards representative government in Hong Kong … On the question of timing, the Government has concluded that it would not be right to make such a major constitutional reform in 1988, given that opinions in the community on this issue are so clearly divided … the Government has therefore decided to introduce a number of directly elected Members into the Legislative Council in 1991.[2]

[2]*White Paper: The Development of Representative Government: The Way Forward,* Hong Kong Government Printing Office, February 1988.

However, after 1989, the British government changed its policy, requiring more seats to be directly elected, and to increase the seats to 20 by 1991, twice the number originally planned, and to 24 by 1995. Because official visits between Britain and China fell off at that time, the foreign ministers of the two countries bargained through correspondence and finally arrived at agreement; namely, the number of directly elected seats should be increased to 18 by 1991, and to 20 in the first Legislative Council by 1997, to 24 in the second Legislative Council, and to 30 in the third Legislative Council. It was based on the "convergence" principle that the NPC passed the Basic Law of Hong Kong on April 4, 1990. However, with the dramatic changes in Eastern Europe and the collapse of the Soviet Union, it seemed that the Cold War had ended in victory for the Western world. Against this background, Britain and the United States changed their strategies toward China. China became the final objective of peaceful evolution for the entire Western World, and Hong Kong would bear the brunt.

11.3 III

On 19 June 1992, 20 days before Patten took office as Governor of Hong Kong, the British House of Lords held a seminar entitled "The Future of Hong Kong." Participants and speakers included officials in charge of the Hong Kong issue in the British Parliament and the Foreign Office, as well as scholars and experts. David Howell, Chairman of the Select Committee on Foreign Affairs clearly stated in his keynote speech "Britain and Hong Kong: Foreign Policy Objectives" that the world situation had fundamentally changed after 1989 and that the situation in Hong Kong under British rule should change accordingly

> I think it would be true today 1992 that the world everywhere expects higher democratic standards than were even dared hoped for a decade ago. I am not necessarily buying Mr. Fukiyama's thesis about 'the end of history,' but I do think we now see a real possibility that liberal democracy is triumphing everywhere against tyrannical forms. Everywhere peoples are beginning to judge the condition of their lifestyle and their hopes against higher democratic standards. So it may now be time with the new Governor coming into office, to convey both to Beijing and to the wider world some stronger messages than in the past, about the degrees of democratic standards necessary for peoples to work, prosper and in Deng Xiaoping's words "get rich." I believer Chris Patten is uniquely suited with his political skills, his communications skills and his administrative skills to do that.
>
> In particular I think we need a change in the language from the language used in 1984. I am not talking about changing the detail, words written down in the Basic Law, I am talking about the sort of mood music; the change of language about what is going to happen in 1997. … Hong Kong senses itself, as all round the world many peoples have come together in the last five years and sense themselves to be, a nation. A nation, maybe within a nation, but with immensely intimate and cultural ties with all the other areas of peoples around it. Nevertheless an identity of a nation with a view and a voice and therefore a right to express that view and voice and not have its fate just settled over its head. Now that leads me to the view that Chris Patten when he arrives in Hong Kong will need to set himself not merely to recognize and approve of but set himself at the head of all prudent democratic impulses.

> And what do I mean by that? I mean that he will need to involve Hong Kong people increasingly in the administration of the territory. I mean that he will certainly need to reopen in discussion in a perfectly sensible not a provocative way the question of the democracy timetable for elections to the Legislative Council. I think there things will be necessary because the world have moved on.[3]

This speech unequivocally indicated the unique significance of Hong Kong under Patten in the international political situation and in post-Cold War history. The Cold War, as an "end of history" proclaimed the victory of the capitalist political system. It was both an ideological and a geopolitical victory. In particular, the collapse of the Soviet Union implied an end to the political "triangle" and an end of China's usefulness to the West against the Soviet Union. China was now the Western world's last ideological and cultural adversary, in geopolitics the last target for dismemberment. Throughout the 1980s, owing to the China-US strategic partnership, China was "in the driving seat" on the Hong Kong issue. However, after the disintegration of the Soviet Union, Britain, with the support of the United Stated, tried to get off the back foot and go ono the attack. It aimed at changing the "language" and the "mood music" of the Sino-British Joint Declaration, understanding Hong Kong as a "nation" and turning Hong Kong into an independent or semi-independent political entity through democratic political reform, or cultivating opposition and separatist forces in China. For this reason, in the West, the ending of the Cold War was generally interpreted as a "victory for liberty." In the wording of its Hong Kong policy, however, Britain rendered it as a "victory for democracy." It was against this backdrop that Patten launched his political reform plans. As he subsequently said in a speech to the House of Commons to seek support: "Due to the realities of history, geography and international treaties, we cannot establish democracy in Hong Kong as fast in other independent countries. Hong Kong citizens will understand that."[4] To work in this direction, there should be change to the executive-led system in the Basic Law through democratic election, making the Legislative Council sovereign. Because the governorship was not an elected position, after the return of Hong Kong there would of course be no foundation for direct election of the Chief Executive, and the central government would hardly speed ahead with this course. However the British Hong Kong government could promote election to the Legislative Council so that their agents could legitimately be elected to the Legislative Council. If the political system after reunification was led by the legislature, their agents would naturally get the right to govern the HKSAR. Actually, this was in line with the retreat strategy of the British Empire. Due to the political turmoil of 1989, Britain got a final chance to display its political skills.

Finally, we can understand the British government's retreat from its tradition of appointing the Hong Kong Governor from the ranks of colonial officials or foreign office officials, instead giving the post to Chris Patten, the Conservative Party

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[3] *Proceedings "The Future of Hong Kong" Seminar,* presented by Friends of Hong Kong Committee (U.K.), Moses Committee Room, House of Lords, 19 June 1992, Taipei: The Friends of Hong Kong and Macau Association, pp. 4–5.

[4] *Hong Kong Economic Journal*, Nov. 19, 1992.

chairman only then just be defeated in the election to the House of Commons. We can also understand why Patten set aside the traditional political style of the Governor of Hong Kong, and presented to Hong Kong people the image of an elected statesman. At this time, Hong Kong was no longer a region under British colonial rule, but become the testing ground selected by Britain and the US and the rest of the Western World for an ideological and geopolitical trial of strength with China, and its base for the "peaceful evolution" of China.

Once we understand the political purpose of Britain and the United States, we can understand why Chris Patten made it a top priority to drum up support and shape public opinion in Hong Kong. The more public support for Patten personally and for his political reform, the bigger the chip he would have in the political poker game with China, the greater the social divisions within Hong Kong, the greater the centrifugal force pulling Hong Kong away from the mainland. After the British withdrawal, the seeds of division would naturally sow themselves in China. In the view of the British government, only such a seasoned elected politician as Chris Patten had the ability to raise expectations of democracy in Hong Kong. As the British newspaper *Daily Mail* noted in its editorial "Chris Patten's Gamble in Hong Kong": "The potential danger is that the hopes of Hong Kong people may be overstimulated, resulting in a rebound from the Chinese Communist Party after 1997. But Patten knows that people of Hong Kong are willing to take this bet, which though a bit risky, is still worth a shot."[5]

11.4 IV

On 7 October 1992, in office for less than three months and with his public opinion campaign underway, Patten made a departure from normal British Hong Kong government practice of issuing "Green Papers" and "White Papers" for public consultation. Instead, he directly proposed political reform plans in his inaugural Policy Address, which included four aspects. One was to reform the relationship between the executive and legislature. Completely abandon the "double appointments" approach which strengthened the executive-led system (i.e. Legislative Council members also served as the members of the Executive Council), meaning a complete separation of the executive and the legislature. This aimed to strengthen legislature-led "representative government" and give full play to political parties so that "political parties and groups will be free to develop their programmes and platforms, without the constraints that membership of the Executive Council must impose." Two was to reform the election system, including reducing the voting age from 21 to 18; adopting the system of "single vote, single seat" for geographical constituencies so as to benefit the "pro-democracy camp"; and reforming the

[5]Lai Qizhi (1993) *Aspects of Chris Patten's Political Reform Plans*, Hong Kong: Time and Space Press, p. 102.

functional constituencies. In addition to cancellation of the corporate votes of the original functional constituencies, he also proposed to give all employees in the newly added nine functional constituencies (the "new nine constituencies") one vote per person, thereby expanding the electoral base of functional constituencies from 200 thousand to more than 2.7 million working population. The newly established nine functional seats are basically directly elected. Three was to reform the local administration, i.e., the District Boards and Municipal Councils by transforming district councils from regional advisory bodies to organizations with some management functions, and expanding their functions and powers. Furthermore, all members of District Council would be produced by direct election instead of by appointment. Four was to reform the Election Committee (the "electoral college" as mentioned in the *1984 Green Paper*) to include all or most of the directly-elected District Council members.

The essence of the above-detailed reform plan was to promote representative government, expand direct election to the Legislative Council, and change the indirect election of functional constituency members to direct election, which was a disguised way of expanding the directly elected seats in the Legislative Council. Although, on the surface, election to the Legislative Council was "convergent" with the provisions in the Basic Law, in fact "convergence" with the proposed reform became completely impossible. Of course, this was just the first step in the Patten's reform to increase the representative basis of the Legislative Council. To underpin the move, the executive-led system of the British Hong Kong era would be changed into the legislative-led system. In February 1993, Patten set up committees in the Legislative Council that corresponded to policymaking sections in the government in order to monitor relevant policies and enhance check and balance by the Legislative Council on the government. Meanwhile, the British government revised the relevant provisions in the Letters Patent and Royal Instructions, abolishing the Governor's power to be the chairman of the Legislative Council and letting its members elect its chairman and deputy chairman. This package of reforms was targeted at transforming the Legislative Council from a public advisory body under the administration into an independent representative institution. At the same time, Patten reformed the operational framework of the government, promoted the corporatization and independence of government departments, and decoupled them from the government structure. For example, Broadcasting Authority and Hospital Authority were set up, moved their related functions out of the direct control of the government through legislation. Also, Monetary Authority was set up to assume the functions of a central bank. Although the institute was accountable to the Financial Secretary, it had considerable autonomy in administration, finance and personnel recruitment. Moreover, the Provisional Airport Authority was reorganized into the Airport Authority, completely outside government structure operation. In short, Patten's reform of the British Hong Kong government was to follow the previous retreat strategy by expanding the power of the Legislative Council and the power of the community as much as possible, and weakening and limiting the power of the executive branch. In these reforms, the most imaginative one was undoubtedly the political reform plans to promote disguised direct election.

Previously, the Hong Kong government usually published Green Papers to solicit public opinions and White Papers to describe the government's policy position. For fear of coming under attack in the consultation and being forced to withdraw the plan, Patten announced the reform plan directly in his Policy Address. Once made public, it immediately won the support of British Prime Minister John Major and Foreign Secretary Douglas Hurd. Hurd praised Patten's "skill in accelerating and expanding the march of democracy in Hong Kong."

The same evening after announcing the reform plan, Patten expressed via the Hong Kong government that the reform plan was simply a "proposal" and that there was room for discussion. The implication was that Patten was making the political reform plans a bargaining chip in the "negotiation" with the Chinese government. However, "proposal" and "negotiation" were simply diplomatic rhetoric for Patten knew full well that Beijing would not accept his proposal.

In fact, Patten did not expect Beijing to accept this plan, one that had been approved by the Queen. The lengthy negotiations between Britain and China and countless concessions by the Chinese government were not rewarded by any compromise from the British government and Patten. When Patten made the political plan part of the constitution, enshrining it in Hong Kong law, he surrendered all room for negotiation. Lu Ping, the then director of the HKMAO, was very distressed about it and condemned Patten as "sinner for a thousand years." In actual fact, right from the outset the British government's concern was not whether Beijing would accept the plan, but whether it was acceptable to the people of Hong Kong. If the plan was acceptable to them, it would become an established fact; if the plan took root in the soul of Hong Kongers, but was ultimately overturned by Beijing on the grounds of "convergence," the people of Hong Kong would have a huge psychological gap between this, their ideal political reform plan, and the plan implemented by the HKSAR government after 1997 in accordance with the Basic Law. If so, the legitimacy of the Basic Law and the central government's governance over Hong Kong would be greatly reduced. What's worse, Hong Kong would not trust or accept governance by the central government, and the elite class of Hong Kong would not trust or accept the sovereignty of the central government and might even challenge it. In this way, a note of discord might be introduced into China and perhaps the seeds of division could grow there. This was the final mission of Chris Patten and the British government before their withdrawal from the last region under colonial rule, and the Western World's political mission of peaceful evolution after Churchill's "Iron Curtain" speech. It was also the usual sleight of hand played by the British Empire in its colonial retreat. Issues in the Middle East, between India and Pakistan and between Singapore and Malaysia were all "masterpieces" created by the British Empire in its "glorious" retreat. Lee Kuan Yew, the founding father of Singapore, who experienced the independence of Singapore under the arrangement by the British Empire in the strategic retreat, once warned Hong Kong:

> The British Government is preparing to gamble in the interests of Britain and China in Hong Kong. Hong Kong is just a pawn on the chessboard. The two adversaries are America and China … I believe there is a greater geopolitical goal, a "democratic China." It is very important to America and the West. Hong Kong is just a pawn.
>
> The British pushing of democratic legislation in Hong Kong is actually the conspiracy of big countries in the international arena. They have witnessed the progress of China since economic reform and opening up, and believe if this trend continues it would be dangerous for them. So, the Hong Kong issue has emerged.
>
> The disputes between China and Britain over Hong Kong are entirely due to the change in British policy, and Britain made this change so as to line up with America in the fight against China. Britain and America have joined hands in an attempt to change China's authoritarian system. The political implications go far beyond introducing a little bit of democracy in Hong Kong.[6]

What Lee Kuan Yew said was right, but he missed a point. The reason that Britain and America joined hands was not in order to change China's authoritarian system because they had done their utmost to support the authoritarian system of the KMT, had also supported the authoritarian regime of Syngman Rhee, and even purposefully supported dictators in South America, the Middle East, Southeast Asia and Africa. In other words, it was not a "democratic China" that Britain and America wanted but a "dependent China." The pushing of the democratic system around the world by Britain and America was often in the hope of using the ballot box to establish democracies for elites and even oligarchs who were actually dependent on British and American strength. What they wanted to subvert were democracies truly rooted in the masses. In South America, the US nakedly assassinated disobedient presidents elected by popular vote, and even openly sent troops to overturn democratic governments. It was only the fact that China was not America's backyard that the "peaceful evolution" policy was adopted. It is true that China's newly established democratic system had many drawbacks, and needed to continue refining and improving. But it was able to survive "hot war" and "cold war" because of being rooted in the masses. In this geopolitical contest, "democratization" was used as the most powerful and high-sounding weapon against China, one aimed at splitting, dismembering China, throwing it into civil strife, or establishing a oligarchic democracy dependent on Britain and America. When the international political landscape was dominated by "countries wanting independence and the people wanting liberation" the "democratization" issue became particularly sensitive and complex in China. Of course, this does not mean we should overlook or deliberately ignore Hong Kongers' enthusiasm for and idealism about democratic politics but we have to understand that national independence and freedom ranks higher than the individual freedom opened up democratization.

For Patten, his each and every political effort was to stimulate Hong Kongers' anticipation of democratization, tie them in as supporters of his political plan and make them a bargaining counter in the political contest with Beijing. Because of this, Patten knew very clearly that the higher Hong Kongers' expectations of

[6]Ibid, pp. 237–239.

democracy, the greater would be their distrust of the central government, the more the Chinese (including of course Hong Kongers) stood to lose in the gamble, and the more the British would earn. To this end, the day after releasing the Policy Address, Patten hurried around Hong Kong promoting his reform package to the people of Hong Kong. He took part in four events between 7:30 a.m. and 11:20 p.m. In the morning, he took part in a radio program, answering questions from residents. In the afternoon, he joined a Q&A session. In the evening, he had a dialog with ordinary people, and after 9:00 p.m., he talked with professionals on TV. Hong Kong media summarized Patten's activities that day as follows:

> Yesterday, the Governor attended four events to respond to questions on the Policy Address. The most relaxed was the morning radio program. Despite being all sound and no pictures in the 75-minute-long program, Patten displayed the skills of a brilliant orator, using physical gestures to accentuate his tone and acting very cautiously as if giving a TV interview. From time to time, he noted down questions raised by the citizens, and began most of his answers with "My responsibility is …" implying his accountability to the people of Hong Kong.
>
> Yesterday was "show day" for the Governor as he answered questions on his Policy Address. In the afternoon, he appeared at the Legislative Council and responded to inquiries from members. He was the star of the "show" with the members playing the supporting roles.
>
> Yesterday, the Governor was well prepared. He answered questions with ease, missed no chance to be humorous, and took the questions as opportunities to express his own views. He made a very nice opening, making it clear that he had no prejudices and hoped the political parties would not confront for the sake of confrontation. As expected, the members did not raise harsh questions. Chim Pui-chung asked an interesting question. He asked whether the appointment of the Governor according to Letters Patent did not contradict Patten's idea of democracy, and asked if Patten was making Hong Kongers a gaming stake. The Governor was not fazed by the questions. He joked that he saw himself as part of the evolution process and hoped it would not be too difficult to accept. He also quoted the Basic Law, saying that it specified that the system of appointment to the Legislative Council should be abolished, and he believed no one would oppose that. The Governor gave no direct answer to Chim's question about a gaming stake, just said that it was for the questioner to judge.
>
> In the first Q&A session on the Policy Address, Patten's political magic was on full display. His responses and sense of humor won enthusiastic applause from citizens time and time again. Excitement mounted as the session went on and before long almost every answer triggered applause.

The advocacy of Patten's reform package by his campaign team was undoubtedly a success. He struck while the iron was hot, and answered questions from citizens at Sha Tin Town Hall. Once again, he displayed the skills and the ability to handle questions as an elected politician. In three days of intensive engagement, Patten used his personal charm to implant the concept of democratic political reform deeply in the hearts of Hong Kongers. At this time, Patten was no longer a Governor appointed by the British government, but the spokesman for the people of Hong Kong and the spiritual leader of Hong Kong citizens.

As Lee Kuan Yew said, "The blueprint of the Policy Address is like a timetable for action made by a national leader, which instigates the people to fight for independence from colonial status. It is more than the farewell plan of the Hong Kong Governor who is about to leave the region under colonial rule. It goes against his appointed role."[7] Indeed, Patten was not a colonial official, but a politician, a political fighter, and a martyr prepared to sacrifice himself for the ideas and glory of the Western World. In October 1993, he stressed in the second Policy Address that the British government's aim was not merely to establish various mechanisms, set up systems, or reach agreements, but to implant the idea of "liberty" which would stand in the heart of Hong Kongers so that they would be "destined to be moving firmly in the direction of democracy." Thus, Patten's aim was not confined to Hong Kong's providing "assistance" in making China more prosperous after 1997. He also aimed at turning Hong Kong into a "role model"—"I want, as you want, to see Hong Kong as it confidently enters the next millennium under Chinese sovereignty, a blazing beacon of good fortune, a dazzling example of what free men and women—putting adversity and hardship behind them—can together achieve." According to him, it would have historical significance "no less than that of the French Revolution."[8]

However, in this battle with the style of the French Revolution, the ultimate sacrifice would be made not by Patten himself or Westerners, but by the people of Hong Kong and the mainlander. In his successful advocating his reform package, Patten, on behalf of the Western world, made Hong Kongers the stake in the political reform plans. In this way, Patten successfully turned the political contest between Britain and China into the contest between Hong Kong citizens and the central government. Whatever happened, the outcome of this contest was certain. The real winners would be the British, retreating in glory, and the real losers would be we Chinese. When the British finally exited in glory, they left Hong Kongers in a state of spiritual frustration, and, more seriously, with division and distrust which were difficult to eliminate in a short time and likely to generate indifference, hostility, confrontation and even hatred. Hong Kong finally lost the battle for democracy and hope. After reunification, functional constituencies were modified according to the Basic Law, and election to the Legislative Council by universal suffrage was postponed by 20 years. The central government lost its hard-won authority, credibility and trust. Since that time, Hong Kongers have been slow to find national identification. After the return of Hong Kong, each step forward in the political system was a slow meander amid the sorrowful sentiment of Hong Kongers and mutual suspicion and distrust between Hong Kong and mainland. Affected by Patten's political reform plans, the antipathy felt by many elites in Hong Kong to the central government has still not totally disappeared.

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[7]Quoted in Lai Qizhi, supra note 6, p. 237.

[8]Yan Qiushi: *Memorabilia of Hong Kong Reunification* (1992–1997), Joint Publishing HK, 1998, p. 151.

11.5 V

> History consists, for the greater part, of the miseries brought upon the world by pride, ambition, avarice, revenge, lust, sedition, hypocrisy, ungoverned zeal, and all the train of disorderly appetites.[9]

These words were written by the British thinker Edmund Burke after witnessing the brutality of the French Revolution. It was not only a reflection on the French Revolution, but also a reflection on modernity, and more a reflection on human nature. The significance of such a conservative idea lies in its insight into the drawbacks of modernity, that modern politics regard passion and desire, denounced in classical political thought, as its starting point and consider "interests" as the best tool to tame desire. In particular, it lies in the belief that the whole purpose of politics is to lead people's passion and desire in the direction of their best interests. Whether Adam Smith's "invisible hand" or Mandeville's "Fable of the Bees," whether to establish a government by rational calculation of the social contract, or to "tame monarchs" by restricting ambition with ambition, we are understanding economy, politics, society and morality with modern logic. The French Revolution was a "modern" disaster different from the classic ones because people could openly defend "pride, ambition, avarice, revenge, lust, sedition, hypocrisy, ungoverned zeal, and all the train of disorderly appetites." Thus, the issue of political legitimacy was no longer a moral issue, but a matter of "ideological politics." Patten's rhetoric about the French Revolution lacked the persuasive power of Greco-Roman political rhetoric and was naked ideological propaganda.

The French Revolution showed mankind's spirit of freedom, opened up a new era in history, allowing the evil acts perpetrated during its course to be pardoned through an "elaborate process of reasoning." But Patten's comparison of his radical democratic revolution in Hong Kong to the "French Revolution" was way off the mark. He certainly intended to carry out a final revolution to the "End of the history," but this false and wishful dream only succeeded in covering the evil intent of the British retreat strategy and the resulting damages to Hong Kong in a comic mask. If there was any contribution made over a hundred years of British rule in Hong Kong, it has to be the constantly improving British political system of the British Hong Kong government following the anti-British protests of 1967. It comprised the executive-led system, the civil service system, and common law system that all benefited the strengthening of political authority. The political system reflected British liberalism, as advocated by Burke, namely, that order is the premise for freedom, authority; and belief are prerequisites for rights, and all these create a tradition, so that freedom and rights are not the manifestation of passion and desire, but a way of life and spiritual quality which are natural, virtuous and of noble quality. What this kind of freedom brings to the people is not their interests but their dignity.

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[9]Edmund Burke: *Reflections on the Revolution in France: and the Proceedings in Certain Societies in London Relative to That Event.*

However, as a consideration in its shameful retreat strategy, the British Empire not only created political divisions between the people of Hong Kong and the central government and among Hong Kongers themselves through the radical democratic reform, but also changed its political system from a traditional British one into one with American style. More specifically, it transformed the executive-led system to the system of separation of powers, from elite politics to mass democracy, from British liberalism with its emphasis on progressive reform, to French liberalism that advocated radical revolution. The drawback of the American system was it could not form an effective political authority. Thus, the American political system had to rely on the Electoral College, a special party election system. However, Hong Kong was neither Athens in ancient Greece, nor Venice during the Renaissance. At no period in its history, had it ever been a center of economy, politics, ideology and culture. It had always been a commercial metropolis where Chinese and western politics, economies and cultures integrated and clashed, a metropolis destined for inclusion into governance under Chinese sovereignty. Consequently, Hong Kong politics could not be self-contained. Radical democracy could only engender division in Hong Kong society, and intensify the political and cultural struggle between China and the West. Amidst internal and external division, the fragmented political parties and proportional representation in elections made it difficult to produce a cohesive political authority in Hong Kong. So, the HKSAR government had to rely on strong intervention from the central government to form a patriotic camp. This was not so much a problem of "one country, two systems," but a problem inherited from Patten's reform of Hong Kong's political system. Patten's political reform plans aimed to strengthen the independence of Hong Kong by creating a political force to confront that of the central government. What actually happened was that the division and confrontation forced the central government to get deeply involved in Hong Kong politics and further strengthen the idea of "patriotic people ruling Hong Kong," thereby further integrating Hong Kong into the mainland economically and politically. This interaction was clearly something Patten did not anticipate.

Chapter 12
Contest: Between Politics and Law

12.1 I

The morning of 1 July 1997 witnessed the slow descent of the Union Jack and the hoisting of the Five-star Red Flag at the Hong Kong Convention and Exhibition Center. This marked the resumption of Chinese sovereignty of Hong Kong. The regime change in Hong Kong, from Britain to China, was undoubtedly a constitutional revolution. The British Letters Patent, Royal Instructions and Colonial Regulations were replaced by the Basic Law of the Hong Kong Special Administrative Region adopted by the National People's Congress in 1990. Against this background, some may ask whether the regime change would have affected the validity of laws previously entering into force under the British Hong Kong government. Right after reunification, "the first constitutional law case" (HKASR v. Ma Wai-Kwan, CAQL 1/1997) raised exactly this very question.

Ma Wai-kwan was one of three defendants in a criminal case, charged in 1995 with conspiracy to pervert the course of public justice. The case came to trial on 16 June 1997. However, against the background of the constitutional revolution occurred in Hong Kong, this simple criminal case brought about a fundamental problem. That was since British control had ended and Hong Kong had become part of the People's Republic of China, the British legal system of British Hong Kong should no longer have legal force and the court could not convict the defendants based on void laws. As the case bore on the core issue of Hong Kong's constitutional revolution, the case was transferred directly to the Court of Appeal, transforming it from a criminal law case to a constitutional one because, on the very evening of reunification, the Provisional Legislative Council of the HKSAR government had passed the Hong Kong Reunification Ordinance, which explicitly stated that the laws of British Hong Kong for maintenance of order in Hong Kong, including criminal laws, continued in force. The issue was the legality of the Provisional Legislative Council itself. If the Provisional Legislative Council was declared an illegal entity, then the Hong Kong Reunification Ordinance passed by it

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would naturally become invalid, and Ma Wai-kwan and others should not be convicted on the basis of British Hong Kong criminal law. Therefore, Gladys Li, Chairman of the Bar Association, Margaret Ng, legal profession member of the Legislative Council under the British Hong Kong Government, and Paul Harris, Chairman of Hong Kong Human Rights Monitor, gave their services pro bono to defend Ma Wai-kwan and others in court. They cared more about the fate of the Provisional Legislative Council established by the NPC than the fate of Ma Wei-kwan and others. This, the first round of political struggle on the right to challenge legal constitutionality, unfolded around the question of whether Hong Kong courts could review the sovereign act of the state sovereign. Later, it would spark political controversy over the right of residence in Hong Kong.

Although the Basic Law of Hong Kong is called the "mini-constitution" it contains no stipulations on the Provisional Legislative Council. Apart from the main text, it has several annexes. Annex II sets out in detail the method for the formation of the first three Legislative Councils after reunification. For the formation of the first session, its only requirement is that "In the first term, the Legislative Council shall be formed in accordance with the Decision of the National People's Congress on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region." On the day the NPC passed the Basic Law of Hong Kong, it also passed the "Decision" on how to form the first government and the first Legislative Council. It said: "Within the year 1996, the National People's Congress shall establish a Preparatory Committee for the Hong Kong Special Administrative Region, which shall be responsible for preparing the establishment of the Hong Kong Special Administrative Region." The Decision also specified that:

> If the composition of the last Hong Kong Legislative Council before the establishment of the Hong Kong Special Administrative Region is in conformity with the relevant provisions of this Decision and the Basic Law of the Hong Kong Special Administrative Region, those of its members who uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, and who meet the requirements set forth in the Basic Law of the Region may, upon confirmation by the Preparatory Committee, become members of the first Legislative Council of the Region.

This Decision reflected the idea of ensuring "convergence" between the British Hong Kong government and the HKSAR government in a peaceful transition to constitutional order in Hong Kong. Through negotiations between the Chinese and British governments, it was possible to have a smooth transition from the last Legislative Council of the British Hong Kong government to the first Legislative Council of the HKSAR government. This was how the "through-train" arrangement came into being (see Chap. 10). However, when Chris Patten became Governor in 1992, he introduced a radical democratic reform package and promoted direct election to the Legislative Council. Notably, he pushed for "direct election" to the functional constituencies. As a result, the pattern of the Legislative Council in British Hong Kong had a fundamental difference from that provided in the Annex II of the Basic Law. China and Britain then engaged in a fierce political battle and a

lengthy negotiation, which eventually broke down. As a result of it, the concept of ensuring a peaceful transition with a "through train" arrangement was also snuffed out. This being so, the central government decided to "set up a separate kitchen" (meaning starting all over again independently) thus set up the HKSAR Legislative Council itself. On 24 March 1996, the HKSAR Preparatory Committee decided to establish a Provisional Legislative Council to serve as the interim legislature for the HKSAR government. On 14 March 1997, the NPC passed the "Report on the Work of the Preparatory Committee for the Hong Kong Special Administrative Region under the National People's Congress" presented by Qian Qichen, Director and member of HKSAR Preparatory Committee, and passed a resolution approving this report.

Based on legal formalism, Gladys Li and others tried to push the Court of Appeal of the HKSAR to declare unconstitutional the Provisional Legislative Council established by the Preparatory Committee and approved by the NPC, and hence declare the Provisional Legislative Council illegal. However, this legal formalism stance obviously ignored the revolutionary transformation of Hong Kong's constitutional order, namely that the legitimate foundation of Hong Kong's constitutional order had shifted. From a legal formalism standpoint, because Britain no longer had sovereignty over Hong Kong, the constitutional order established in British Hong Kong lacked legitimacy. Because of its revolutionary nature, the reunification should "thoroughly smash the old state machinery." However, since the framework of "one country, two systems" emphasizes the importance of the history and realities of Hong Kong, and respecting the British rule and constitutional order thus formed, the main content of the constitutional order of British Hong Kong was retained after China resumed exercise of sovereignty in Hong Kong. As a result, the transformation of the constitutional order in Hong Kong featured "peaceful transition." However, it was this "peaceful transition" phenomenon that overshadowed the "revolutionary" character in the transformation of the constitutional order in Hong Kong. After Patten's political reform package caused the "through-train" arrangement to fail, the HKSAR government would have no legislature after reunification and the entire government would be unable to operate. To understand the political state of emergency faced by the HKSAR government after the reunification, we must understand the political contest between China and Britain over Patten's political reform package.

12.2 II

The day after Patten delivered his Policy Address, a spokesman of the Hong Kong and Macao Affairs Office of the State Council made a statement indicating the stand of the Chinese government, to the effect that the Chinese government had consistently advocated the development of democracy in Hong Kong, but in order to ensure smooth transition, the development should be in the manner of step-by-step gradual progress and abide by the Basic law. Patten's political reform package had

made "drastic changes" to Hong Kong's political system, deflecting from the Basic Law. Furthermore, Patten had announced the so-called "suggestions" unilaterally without any consultation with the Chinese side. He was deliberately provoking a public debate, something inconsistent with the principle of cooperation between the two countries as stated in the Sino-British Joint Declaration, and was not conducive to the smooth transfer of Hong Kong's administration. If British Hong Kong government failed to abide by the Basic Law in the post-transition period, the Chinese government would establish their own HKSAR government, one in accordance with the Basic Law.

This was a logical and measured statement. It was also full of political savvy because it moved the focus from democratization in Hong Kong's constitutional development to the issue of transition as defined in the Joint Declaration which spelt out the needing to be resolved through diplomatic negotiation between China and Britain. Therefore, Patten's political reform was no longer a question about the development of democracy in Hong Kong, but about cooperation between China and Britain, and compliance with the Joint Declaration. This actually shows how the Chinese government went about countering Patten's political reform package. When Patten tried to provoke conflict between the central government and the people of Hong Kong, the central government transformed the conflict into one between China and Britain. The Sino-British political struggle provided a good chance to test the "patriotic nature" of Hong Kong political elites on such questions as to whether China and Britain should abide by the Joint Declaration, whether Hong Kong needs a "smooth transition," and whether Hong Kong political elites should admit the central government's political sovereignty over Hong Kong. In this way, being "patriot" was no longer an abstract concept, but a political one, one with specific meaning under specific historical conditions.

However, we must recognize that the transformation of the issue over Patten's political reform package into a diplomatic issue between Britain and China was not only prompted by demands of the struggle, but also contained a more profound political philosophical consideration—should sovereign states honor their promises? Should they keep faith? On these issues, there are fundamental differences between modern Western political philosophy and Chinese classical political philosophy. Based itself on Machiavellianism which upholds utilitarian statecraft and the political liberalism of Hobbes' Leviathan, modern Western politics emphasizes the exercise of political power without moral restraint. Power thus means the exercise of force, and only power can restrict power, only ambition can counter ambition. These political theories have led to international politics being dominated by naked realism and the international order being dependent on power and balance of strength. International law is not so much to constrain power but to provide legitimacy for the exercise of power because it is power that supports international law. In contrast, modern Chinese politics is successor to its tradition of classical political philosophy. It embraces the "Way of Humane" built upon morality and faith and opposes the naked hegemony or hegemonism. Thus, after Patten put forward the political reform package, Deng Xiaoping gave clear instructions that we must firmly resist the treacherous behavior of the British and must not step back.

We should question them about the effectiveness of the Sino-British Agreement. If the British act in disregard of our opinions, we will "setting up a separate kitchen" and make our own arrangements.

Perhaps people cannot imagine Deng Xiaoping's moral outrage when denouncing British "treachery." Similar moral outrage was expressed by Li Hongzhang when he put his signature to the shameful Treaty of Shimonoseki in Japan. It was actually a moral condemnation of modern Western civilization by Chinese civilization. In a globalized world dominated by the West, such moral condemnation seems a bit stuffy and dated, but it demonstrated the deep concern of an ancient civilization over the moral prospects and the moral foundation of politics for mankind, displayed the dignity and moral strength of a civilization, and reflected the fragile yet noble qualities of Chinese civilization. Of course, when Deng Xiaoping accused the British of "treachery," he shared Li Hongzhang's awareness that political morality and faith should be guaranteed by political power. Deng Xiaoping dared to say that China would not be another Li Hongzhang on the issue of Hong Kong because New China had put an end to its victimhood of being carved up by Western powers and had acquired the ability to defend its national dignity. Deng Xiaoping was clear that Britain dared act in such a treacherous fashion because China was still a weak country in the international picture. Why did Deng Xiaoping take tough measures to resolve the political turmoil in 1989? He did so in order to quell the potential civil unrest resulting from political differences, to concentrate on the development of the productive force, and to enhance China's power or its ability to defend political morality. "Development is the fundamental principle." Immersed in domestic strife and foreign aggression, modern Chinese people had only lately realized this truth. What made Deng a great statesman was his ability to espy the right direction at the confused crossroads of history, clearly discern the heaven-sent opportunity for the Chinese people, take fate by throat at the crucial moment, bravely shoulder the historical mission and duty to reverse China's tragic fate and push the country onto the resurgence highway, one from which there was no turning back. As many as nine times on different occasions between 1990 and 1993, Deng Xiaoping stressed the importance of "opportunity" reiterating that the Chinese people should seize "the once in a blue moon opportunity" and "focus all our time and energy on development." He made a relatively complete explanation of the idea when receiving Hong Kong shipping magnate Pao Yue Kong on 11 June 1990. His concern over the future of Hong Kong shines through:

> China now has a rare opportunity for development. Do not let this opportunity slip. Many people don't know this is the opportunity for the Chinese nation, a once in a blue moon opportunity for Chinese people. For a hundred years following the Opium War, China did not play its due role in the world … If we abandon socialism China will be thrown into chaos and all will be lost. If that happens, China can do nothing. We were isolated by some people and lived a hard life. But now we do have an opportunity and must not miss it.[1]

[1]See, *Annals of Deng Xiaoping* (2004), Beijing: Central Documents Publishing House.

Deng Xiaoping seized this rare and golden opportunity and formulated the basic state policy for China, namely for domestic affairs, "maintaining stability is of the top priority"; and for external affairs, we shall "maintain a low profile." Before Patten announced the political reform package, Deng stressed once again that "We should work hard and keep a low profile for some more years before building up a strong political power. Then, China will have a stronger power of discourse internationally."[2] Thirty years have gone by since the inception of the Reform and Opening-up. People often ask: "What did Deng actually do to make China better?" Today, most of the answers focus on the economic perspective, stressing that the reform policy suited liberalist economics. But it is actually a question on the "way of man" and a question on the "way of heaven." In the most fundamental sense, we should thank Deng for his awareness of the heaven-sent chance, his insight into the laws of historical development, and his seizure of the fleeting opportunity. Modern political liberalism tries to use technology to control and subjugate fate, and tries even tries to avoid the fate of being the "Gestell" of technology. Perhaps this comes from the awareness that "the modern age" means the inevitable advent of the age of "the Last Man," an age unlikely to produce the noble "Superior Being." Irrespective of whether this understanding of modernity is true or false, it would undoubtedly dilute the sense of moral and ethical responsibility in politicians because it is impossible to capture a glimmer of hope amid chaotic history and harsh political life without having a profound understanding of noble virtue rather than technology per se. This fundamental principle is mirrored in the classical Chinese political philosophy, "match heaven with virtue" which connects the ways of heaven with the ways of man. It was on the basis of classical Chinese political philosophy that Deng challenged the British Government about living up to its international commitment. Hong Kong and the Western world were worried that the Central Government of China would keep to its word about "one country, two systems." Deng responded by referring to the tradition of "acting in good faith" in classical Chinese political philosophy (see Chap. 9). What would the British think of their doubts today?

In the process of drafting the Basic Law, the issue of "acting in good faith" involved the "convergence" of direct election to the pre-1997 Legislative Council and the post-1997 one. After 1989, the political environment being inimical to face-to-face bilateral talks, the two Foreign Ministers reached consensus by negotiation through correspondence. Based on this consensus, the Basic Law clearly lay out the precise number of members by different ways of elections for the first three Legislative Councils after the handover (see Chap. 10). From the perspective of international politics, in general the contents of secret negotiations should remain secret. The basic position of the central government on the Hong Kong issue was cooperation, not confrontation, since confrontation would not be helpful to the people of Hong Kong and to China in general. Moreover, China, as a state of protocol, was at pains to protect diplomatic dignity and not have the British

[2]Ibid, p. 1346.

government lose face in front of the world. Therefore, the Chinese government repeatedly called for the British side to show sincerity and cooperation in tackling the problem. Zhou Nan, Director of the Xinhua News Agency Hong Kong Branch said before Patten's visit to Beijing, "I hope that both sides can show the visionary statesmanship of 1982–1984 to deal with some of the current difficulties and certain problems."[3] "As long as both sides show sincerity and carry out real cooperation and consultation for the mutual benefit as well as the interests of Hong Kong residents, we surely can solve the problems."[4] After Patten's fruitless visit to Beijing, Lu Ping, Director of the Hong Kong and Macao Affairs Office, said, "The substantive difference between the two sides is not about accelerating the pace of democracy, but whether to cooperate or to confront."[5] But Patten simply did not recognize the existing agreements between Britain and China and demanded that the bilateral correspondence concerning constitutional development be made public. Against this background, the Chinese government had to disclose the diplomatic correspondence between the two Foreign Ministers. However, the British Ambassador, the British Foreign Office and the British Hong Kong government were unanimous in their view that China and Britain had not reached any consensus on election to the Legislative Council in 1995. Indeed, this was not an agreement officially signed by the two governments because at that time, when the entire West was trying to isolate China, it was not possible for China and Britain to hold formal talks, nor was it possible to sign a formal agreement. Everyone understood the nature and the significance of the consensus in the correspondence between the Foreign Ministers. The British government even used this shameful sophistry, this lawyer-style politics as a moral basis for political honor in international politics. They had clearly forgotten these lines from Shakespeare's *Henry VI*: "The first thing we do, let's kill all the lawyers" for "that parchment, being scribbled o'er, should undo a man?" In earlier times, in the debate on the Treaty of Shimonoseki with Ito Hirobumi, Li Hongzhang homed in on political morality and denounced Ito: "Do you dismiss me as too old to distinguish right from wrong?" Now it was the British government acting as if all others in the world are ignorant.

12.3 III

The disclosure of the seven letters between British and Chinese Foreign Ministers sparked a debate not just in Hong Kong but in the international community too. Although the British government would not acknowledge that the two sides had reached a consensus on constitutional arrangements in transition period, the seven

[3]Lai Qizhi (1993) *Aspects of Chris Patten's Political Reform Plan*, Hong Kong: Time and Space Press, p. 45.

[4]Ibid, p. 44.

[5]Ibid, p. 20.

letters clearly showed the bargaining process of both sides and agreements they had reached, among which was that the last Legislative Council formed in 1995 would turn into the first Legislative Council of the HKSAR by the arrangement of "through train." The political integrity of British government therefore came into question from the international community and from all walks of life in Hong Kong. Even some Hong Kong "democrats" attacked the British government for "selling out" Hong Kong people on the issue of Legislative Council election during the process of drafting the Basic Law. Thus, there ensued a Hong Kong media onslaught criticizing Patten's political reform package, calling it the "triple violations" (i.e. the violations to the Joint Declaration, the Basic Law, and the agreement reached by two Foreign Ministers). Unfortunately, squeezed between the political differences of China and Britain, the people of Hong Kong had to show their stances. Supporters of Beijing were called "pro-China" camp, while those for Patten were called "pro-British" camp, which resulted in further divisions in the community. As Professor Lau Siu-kai suggested, Patten's political reform polarized the Hong Kong society:

> Conflicts among elites, between the elite and the general public and among the general public become increasingly serious; political centrists have to make a choice between "pro-China" or "pro-Britain" camps, while radical forces keep triggering constant conflicts … Political dispute is eroding the foundation and conditions for Hong Kong people ruling Hong Kong. If the Governor does not restore the natural way, then honorable retreat is just a dream. But it will be the people of Hong Kong who must suffer such "sequelae" as conflicts between China and Hong Kong and internal division.[6]

Leaving aside leftists and rightists with firm political positions, and the "pro-China" and "pro-Britain" camps, the majority of Hong Kong people felt ambivalence about this dispute. On the one hand, they wanted to return to the motherland and no longer be governed under colonial rule. On the other hand, they worried that Beijing's Hong Kong policy might be reversed and feared central government's interference in Hong Kong's freedoms. This unease epitomized the popular feeing in Hong Kong, particularly in the early 1990s, and it was on this popular feeling that Patten's political reform package was founded. That said, when Patten really wanted to go head-to-head with Beijing, they would side with Beijing because they know the stability and prosperity of the city ultimately depended on the support of Beijing rather than the protection from Britain. As Cheong Kam-chuen, Legislative Councilor and member of the Federation of Hong Kong Industries said:

> It is quite understandable that the people of Hong Kong feel tied by complex ethnic feelings for China: which means they wish for its prosperity and sound policies in all aspects, while also fearing that a reversal of direction in China would deprive Hong Kong of freedom, prosperity and stability. People should not deny the fact that Hong Kong has always been part of China. No matter whether China is prosperous or not and no matter whether it develops well or not, its impact on Hong Kong cannot be isolated by an outer shell of democracy. Democracy is a long road. They should look ahead not just four and a half

[6]Ibid, pp. 127–128.

> years, but to the more distant future. Some people who do not trust or only half understand "one country, two systems" think that by building a democracy wall, by speeding the advent of democracy as soon as possible then it will be possible to resist China's intervention in Hong Kong after 1997. But this is blindly leading people down a narrow alley, one that comes to a dead end.[7]

Faced with this situation, even Jin Yong, who quit the Basic Law Drafting Committee after 1989, also published series of articles in *Ming Pao Daily* to express his views on the politics of Hong Kong at that time. He reviewed the history of central government's policies on Hong Kong and considered the guideline of "Taking long-term views and taking full advantage" as determined by Mao Zedong and Zhou Enlai, which was fully implemented in Deng Xiaoping's "one country, two systems." The feature of the concept is its "maintenance of the status quo of Hong Kong." Therefore, the Joint Declaration was not something the British forced down China's throat, but something the Chinese government had already committed to. "Even if these provisions and guarantees do not exist, do we see possibility that Britain will keep hold of Hong Kong? Even not because China is willing to impose so many specific constraints in the Joint Declaration, in other word, to make many voluntary commitments for the future, do you think that Britain is able to force China to sign the Declaration and announce it to the world?" Since the Chinese government's "voluntary commitments" were based on the premise of "maintenance of the status quo of Hong Kong" this was the principle of formulating the Basic Law, and the implication of this was that the British government could not drastically change the social system in Hong Kong, thereby turning the Basic Law into a "blank check." He believed that there were two main concerns that worried the central government when Hong Kong faced the great change. One was that it would not benefit the development of Hong Kong's capitalist free economy if the society went into the direction of socialism. Another was that the Western-style democratization of Hong Kong's politics might lead to an independence campaign against the central government, and even expansion of Western-style democracy to the mainland. Therefore, he believed that "Hong Kong people ruling Hong Kong" was conditional on the premise of "things remaining unchanged." If Britain could not force China to accept a joint statement, then how could it force China to accept Patten's reform system? This was probably Jin Yong's subtext.

This logical and balanced view actually represented the prevailing view of the local business community and middle-class professions. To this end, Allen Lee Peng-fei led a business delegation whose members almost came from the Co-operative Resources Centre to visit London in January 1993, expressing their concerns to the British government and their hope that it would amend Patten's political reform package so that Sino-British talks could resume. But the visit met with indifference in London, unlike the mission took by Chung Sze-yuen. This was because Chung had fought for "three-legged stool" negotiations in which

[7]Ibid, p. 122.

Hong Kong would participate directly. We must realize that this "leg" of Hong Kong was not the Hong Kong business community, but the Hong Kong democrats who were political allies of the West. "There are no permanent friends, no permanent enemies, only permanent interests." This is the motto of British politics. Whereas the British Government successfully turned business and professional elites into political allies through "administrative adsorption of politics," Patten completely abandoned the business and professional circles once he acquired more useful political allies, and in so doing forced the business community and professions to support the return of Hong Kong. Indeed, it was with the support of Chung Sze-yuen that the business community established the Liberal Party based on the "Co-operative Resources Centre," which became a patriotic political group.

Division in Hong Kong society was something the British wanted to see, because for them, this struggle made a gaming chip of Hong Kong (see Chap. 11). As the British Tory MP Bilton said, China's dissatisfaction with the political reform package would hurt only Hong Kong, but not Britain. To this end, Patten kept up a stream of visits to Canada, Japan and the United States, lobbying for support from the Western world. US President Clinton publicly supported Patten and considered it was in the interests of the United States to promote democracy around the world. From this point on, the Hong Kong issue, formerly a diplomatic matter between China and Britain, expanded into being a problem concerning the entire Western world. With such support behind him, Patten considered the political reform package the last struggle in the "end of history" and "no less significant than the French Revolution" (see Chap. 11). However, the central government was well aware of what lay concealed behind the fine political rhetoric, namely the British purpose of strategic retreat, using the pretext of what had happened in Eastern Europe and the collapse of the Soviet Union to overturn agreements; through accelerating democratization turn Hong Kong into a semi-independent political entity, and in so doing affect China's political development. So, this was not one accidental isolated incident, but part of the Western world's strategy of dismembering China.

12.4 IV

Chinese politicians, who experienced the modern ruthless political contest between China and Western powers, developed keen political intuition and political instincts, and were well aware of the consequences of Hong Kong's democratic evolution. In particular, bitter experience in modern times—the chaotic fighting between Western dominated warlords, the civil war between the Communists and Nationalists, the Korean War and the Vietnam War—had given them a profound understanding of the internalization of external conflicts or the world wars. They realized that in a situation of inequality in international politics, disputes on democracy between domestic political factions in developing countries could easily

evolve into tools of domination by developed countries and into a struggle for dominance between international political forces.

In fact, since the 18th century, in the European political contest between maritime empires (such as Britain) and continental empires (such as France and Germany), a secret weapon of the former was that the freedom of thought accompanying global commercialization seeped into commercial awareness and intellectual life in continental monarchies and ultimately set off a revolutionary wave of democratization. In this process, the rise of Freemasonry in Britain rapidly spread to the European continent. The presence of Free Masons enlivened courts, business circles and intellectual life in Europe. Enlightenment thinkers on the European continent praised Britain's liberal constitutional system, and the Catholic Church there imposed strict restraints on the Freemasonry. This enables us to understand that the Freemasonry actually shouldered the maritime empire's mission to bring about the "peaceful evolution" of Catholic countries, continental empires or Protestant countries. Some conspiracy theories even have it that the Freemasonry precipitated the French, American and Russian revolutions, first exploiting the power of the British Empire and later that of the US in working for "peaceful evolution" of the world.

Modern China's democratic revolution arose against a political background of long domination by Western powers, thus because of "peaceful evolution," the notions of "enlightenment," "salvation," "democracy" and "independence" often became very complex and conflated in China. The enlightenment themes of China's Democratic Revolution were subordinate to the themes of national salvation and national independence. From the Revolution of 1911 to the revolution under the dictatorship of the proletariat, all Chinese revolutions in the modern age continued under the flag of national independence and liberation, evolving into increasingly radical democratic revolution. The overthrow of the "Three Big Mountains" ultimately meant the overturning of the predominance of Western civilization over Chinese one, and the realization of national freedom and liberation. This was the reason for the warning issued by Mao Zedong at the Second Plenary Session of the 7th National Congress, a warning against "sugar-coated bullets" before the Party was to take the "exam in Beijing." In 1948, when Chinese intellectual elites still harbored the ultimate fantasy of the US, Mao Zedong published a series of four famous editorials warning about the possibility of "peaceful evolution" arising in the future. His wariness was vindicated in 1989. In that year, Xinhua News Agency re-published these four editorials. Meanwhile, "peaceful evolution," a concept in Chinese politics of 1949, re-entered the political lexicon after 1989. Chinese politicians' basic way of thinking took on the political habits of opposing Western "peaceful evolution," opposing West-dependent democratization movements and being all for national independence. As Deng Xiaoping pointed out when faced with the severe international situation in 1989:

> Each country, whether it is big or small, strong or weak, should respect others as equals … I am not saying that governments of Western countries are trying to overthrow the socialist system in China. But at least some Westerners are trying to. This can only arouse the resentment of the Chinese people and make them work harder for the prosperity of their

> country. People who value human rights should not forget the rights of the state. When they talk about human dignity, they should not forget national dignity. In particular, if the developing countries of the Third World, like China, have no national self-respect and do not cherish their independence, they will not enjoy that independence for long. … If China had no self-respect it could not maintain its independence for long and would lose its national dignity. Too much is at stake.

The independent nature of China's political development, without dependency on the West, manifested the inherent strength of Chinese civilization and the inner spirit of the Chinese nation. It was this independence that caused China to remain deeply vigilant about Western-style democracies, especially since China's fairly recent civil war made China's politicians perpetually worried that democratization would become a powerful force to divide the country. Moreover, "the Great Cultural Revolution" launched under the banner of "great democracy" had further deepened concern about the future of democratization among politicians who had grown up amid the bloodshed of the Democratic Revolution. The complex and interwoven relationship between human rights and state rights, individual liberty and national unity, individual freedom and national independence, democracy and international geopolitics became political issues that the Chinese people had to address. Just as Deng Xiaoping pointed out when faced with the political turmoil in 1989:

> In China the overriding need is for stability. Without a stable environment, we can accomplish nothing and may even lose what we have gained.
>
> China must adhere to the policies of reform and opening to the outside world: there lies our hope of solving our problems. But it is impossible to carry out reform without a stable political environment. … China is now in a period when it must concentrate on economic development. If we seek the forms of democracy, we won't achieve the substance and we won't develop the economy either, but will only throw the country into turmoil and undermine the people's unity. … We shall develop socialist democracy, but it will do no good to act in haste and it would be even worse to adopt Western-style democracy. If we conducted multi-party elections among one billion people, the country would be thrown into the chaos of an all-out civil war as during the "Cultural Revolution." … Democracy is our goal, but we must keep the country stable.

Beijing saw that democracy could potentially bring chaos and harm but these problems were clearly not something that Hong Kong people worried about. For the people of Hong Kong, their first concerns were to protect their assets through democratization and avoid any infringement of their liberties. We must understand that Hong Kong was just a commercial city pure and simple, long under colonial domination. And what its people cared about was a comfortable life, not giving a thought to "national independence" or issues of autonomous civilizations in the conflict between China and the West. At the end of the day, in China-West cultural clash, competition for cultural leadership belongs in the category of great power politics. If China is a unified country, it must aspire to the renaissance of Chinese civilization, and this is precisely something that Hong Kong people just do not get. This is because Hong Kong people and indeed Taiwan people do not understand the "Grand Unification" concept inadvertently revealed by mainlanders and their desire

for the renaissance of Chinese civilization. This made it easy for Hong Kong and even Taiwan people to frame the conflict between the central government and Patten as one between democracy and autocracy, as per the Western political rhetoric, rather than as a struggle for autonomy of civilization and cultural leadership. Thus, Chinese mainlanders, Taiwanese and Hong Kong people tend to display different life styles and intellectual ethos. When Beijing wanted to suppress democratization in order to maintain stability and development, the people of Hong Kong did not seem to realize that a stable and prosperous Mainland was a guarantee for Hong Kong whereas a turbulent Mainland would be a disaster for Hong Kong. Realizing this, in 1989, Lee Kuan Yew demonstrated his international strategic vision by warning against Hong Kong's democracy movement and against Hong Kong's support for democracy movements in mainland China. His worry was that if the West brought about the overthrow of the mainland regime through "peaceful evolution" more disasters to all of Southeast Asia, East Asia and the world would follow in its wake.

Geopolitical struggles in the larger world picture occurred in concurrence of the changes in popular feeling about the particular situation in Hong Kong. On 6 December 1989, when meeting with Percy Cradock, the British Prime Minister's Special Envoy and foreign affairs advisor, Jiang Zemin made it clear that it was the central government's policy for Hong Kong that "the river water does not intrude into the well water." In other words, the central government would not interfere in the autonomy of Hong Kong affairs and Hong Kong should not interfere in the affairs of mainland, especially its political system. And he further emphasized that Hong Kong must have a smooth transition period. However, the arrival of Chris Patten turned all these concerns about Hong Kong's political development into a fact that had to be faced. Patten's political reform package triggered international repercussions. By a variety of methods and on several occasions in the first half of 1993, Zhou Nan, Director of the Xinhua News Agency Hong Kong Branch, made known to various circles in Hong Kong about Deng Xiaoping's off-record conversations about Hong Kong's political reform indicating that the central government would never retreat on questions of principle. The three principle were the principle of China resuming sovereignty over Hong Kong in 1997, the principle of "one country, two systems" in accordance with the provisions of the Basic Law, and the principle of never submitting to the domination of Western countries. This being the case, the central government would prepare to "make its own arrangements" in accordance with the instructions of Deng Xiaoping. That was if the "through-train" program of the original Sino-British agreement failed, in accordance with Sino-British Joint Declaration and the Basic Law, China would unilaterally organize the first HKSAR Government.

12.5 V

In fact, Deng Xiaoping had often given thought to the idea of "setting up a separate kitchen." Deng Xiaoping's thoughts on the Hong Kong issue focused on the key points. In his 1982 talk with Margaret Thatcher, he summarized these key points as three, namely, the issues on sovereignty, politics and transition. Provided China stood firm, sovereignty was not a problem. The policies made by the central government were in line with the realities of Hong Kong, and that should not be a problem either. That left Deng's biggest concern—Britain was in the driving seat in transition. In his view, the key to a smooth return of Hong Kong was stability during the transition period, and he was convinced that Britain would not automatically hand over Hong Kong. Because of these, he made a point of saying that if Britain created disturbances during the transition period, China would take back its sovereignty over Hong Kong earlier than timetabled (see Chap. 6). So what was it that the British could do during the transition period which would be detrimental to the return of Hong Kong? Deng Xiaoping had been pondering over the possibility and counter-strategy that the British Hong Kong government would form a team during the transition period and impose that team on future SAR government. Hong Kong's return was not a "smashing of the old state machinery" but a "peaceful transition," which would keep the existing government organs. The problem was that the British were unwilling to let the Hong Kong people in support of China's sovereignty or trusted by the central government participate in administration of Hong Kong. Instead, they would like to cultivate pro-British/American forces and let the Hong Kong people who oppose China's sovereignty over Hong Kong participate in the administration. This is to create internal conflicts between the central government and the Hong Kong SAR, making it more difficult for the central government to govern Hong Kong after 1997. Deng Xiaoping's idea of "patriots ruling Hong Kong" was targeted at this problem.

As early as at the signing of the Sino-British Joint Declaration, Deng Xiaoping turned his attention to a smooth handover in the transition period. In 1982, he gave specific instruction in training the patriotic and political talents in Hong Kong. He said that "The normal way is not capable of training leaders. Leadership skills must be developed in the practice within a society. It would be ideal to have a social organization which could undertake this work. We say that patriots will be the major force of the future Hong Kong Government. They should have their own organization, and we should focus on the training of talents. We should have some younger people to manage the Hong Kong affairs in future. They must be patriots." In April 1983, when the enlarged meeting of the Central Committee Politburo discussed the "Basic Policies to Hong Kong," Deng Xiaoping further pointed out: "Our job is to work out a plan of cultivating our cadres and the way to gradually participate in the administration. … I have talked to people of the Working Committee of Hong Kong and Macao that they should find a way to establish and support some societies and associations in Hong Kong, which are in fact political parties. The British have established a number of associations and we should do the

same so as to train our own political figures. We cannot do without those political figures, therefore this work cannot be delayed any longer."

When thinking on the cultivation of patriotic political talents, Deng Xiaoping paid special attention to organizational form, because he clearly realized that with the British controlling the Hong Kong Government organizational system, it needed forces outside the system to foster "patriotic people to rule Hong Kong." However, only political groups could attract talents from outside the system and assemble them into a political force. Traditional Hong Kong leftist organizations such as the "Federation of Trade Unions" were undoubtedly the fundamental patriotic force which loves China and Hong Kong, but these organizations had been marginalized in Hong Kong under the political repression of the British Hong Kong government and years of tight control since the 1967 Protest Movement. Even if these organizations were developed it was a case of "distant water cannot quench present thirst" and it was difficult to adapt them to the core work of reunification, namely maintaining Hong Kong's prosperity and stability through stabilizing the city's big capitalists. It was in this context that the Xinhua News Agency Hong Kong Branch endeavored to expand the united front work to Hong Kong elites (such as capitalists and middle-class professionals), trying to correct the situation faced by the Hong Kong leftist camp, which was described as being"first left and second narrow" formed in the past. The patriotic camp was called the "United Front Group" in Hong Kong and stood in confrontation with the so-called "Democratic Group." It was on a united-front basis, both in the Sino-British negotiations and in the process of formulating the Basic Law, that the business community and some middle-class professionals became staunch advocates of reunification, and the administrative talents on whom the central government could trust and rely.

However, the 1989 political turmoil in Beijing and Patten's 1992 political reform package completely disrupted the patriotic talent development program and the damage done was no less than that caused by the radicalization of the 1967 Protest Movement. Divisions had arisen among the patriotic political elites who had gradually grouped together since 1982. Some in the patriotic camp turned to the democratic camp, and many closed to the united front line left the organization. Hence, patriotic political elites were labeled politically and caught in difficult situation once again. In the 1991 Legislative Council election, the patriotic camp had failed miserably. Mindful of this painful experience, the Hong Kong and Macao Committee of the Central Government changed the focus of its policy by giving more emphasis on various elections rather than the united front work, and by giving more weight to district work rather than to the industry and commerce sector. Representing local and district forces, the "Democratic Alliance for Betterment of Hong Kong" (DAB) was established in 1992. A year later, the Liberal Party, representing the interests of business, was founded. In 1995, the "Hong Kong Progressive Alliance" (HKPA) was established, representing middle-class professional circles. As the patriotic camp firmed up its power, the democratic camp strengthened its own integration. In 1994, "United Democrats of Hong Kong" and "Meeting Point" were merged and formed the contemporary Democratic Party. The two camps went head to head in the 1994 District Council elections and the 1995

Legislative Council elections. In the 1994 District Council elections, although the Democratic Party had the largest number of seats, its share of seats actually declined. In contrast, brandishing the patriotic banner, DAB became the second largest party. This was first time since the Anti-British protest movement of 1967 that patriotic leftists appeared officially on Hong Kong's political stage. It had far-reaching significance for the development of Hong Kong's political picture.

The political power of the patriotic camp in the Legislative Council elections put some constraints on Patten's political reform package, and the Liberal Party proposed amendments to the plan in the Legislative Council. In order to ensure the green light of the Legislative Council to his reform plan, Patten did not shrink from exerting political pressure even through the British government on British businessmen to gain one vote in the Hong Kong Legislative Council to vote the amendment by the Liberal Party. On 30 June 1994, thanks to Patten's hard lobbying, the Legislative Council passed Patten's Plan to formulate the Legislative Council Election Ordinance, and rejected a proposed Liberal Party amendment by only one vote. This meant that Patten's political reform package had the force of law. And the door was firmly slammed against political negotiations between Britain and China. The reason the British dared to break things off was that China would not resort to non-peaceful means for the return of Hong Kong, and that China would strive to maintain Hong Kong's economic prosperity. In this case, the point at issue between Britain and China was actually that Britain used China's Hong Kong in order to compete with China, the British were doing business without any cost, whereas the Chinese people were caught in a very awkward situation, refraining from action for fear of damage to Hong Kong. For example, on the issue regarding the construction of the new airport and container terminal, in consideration of Hong Kong's economic development, the central government had to allow the British Hong Kong government to undertake massive construction projects. But these would greatly benefit British-owned companies. The only thing the Chinese government could do was to "make their own arrangements" after the resumption of sovereignty in 1997 and to "overturn" the system established by the British Hong Kong government. Nevertheless, the British Empire harvested the fruits of victory it craved, namely, retreating in glory and sowing the seeds of opposition in Hong Kong to the Chinese Central Government.

Just two months after the British Hong Kong government passed the political reform package in the Legislative Council, the Chinese government exerted its sovereign power over Hong Kong with an announcement by the National People's Congress that the last British Hong Kong Legislative Council, Urban Council and Regional Council, District Council would be terminated on 30 June1997. Further, it decided that the Preparatory Committee would organize the first Legislative Council of the SAR Government. For Chris Patten, this undoubtedly amounted to the "death notice" of his political reform package. But under the rule of the British Hong Kong government at that time, it was not possible to hold any election to select members of the Legislative Council, so the National People's Congress then approved the decision by the Preparatory Committee that the Election Committee composed of 400 people of Hong Kong would produce 60 members of the

Legislative Council. Since these members were not produced in accordance with the Basic Law, the Council was thus called the Provisional Legislative Council.

After Deng Xiaoping's speech of the "Southern Tour" in 1992, China not only did not collapse, but completely left behind the political shadow cast by 1989, maintaining sustained economic growth and improving political stability and confidence. Confidence among Hong Kong people in the central government began to increase with a future vision for a new life under "one country, two systems." In contrast, the British Government had lost the right to participate in organizing the new government. Feeling it was missing out, the British government began reviewing its China policy and the voices of the "China Hands" again prevailed in the British Foreign Office. In the general election held in May 1997, the Labor Party replaced the Conservative Party, and cooperation between China and Britain was inevitable. In the Patten era, the British government tried to groom Anson Chan as the future Chief Executive, but fate and opportunity brushed against her and passed her by. If Patten had not resorted to radical French Revolution-style confrontation in his political reform, had he gone for British-style compromise and cooperation instead, the return of Hong Kong would have beneficial to the British and the Hong Kong "democrats" too. But history does not allow "ifs." After the establishment of the SAR Government, the central government focused on stability and permitted civil servants of the Hong Kong British government to transfer in. Anson Chan continued serving as "head of the civil service," second in command to Chief Executive Tung Chee-hwa. This arrangement was both the premise of the smooth return of Hong Kong, but a foretaste of Hong Kong's future political differences. Since then, responding to the central government, the people of Hong Kong and the Western world, a complex political landscape was pieced together, drawing on five groups. These were: political officers appointed by the central government including the Chief Executive; public servants developed by the British Hong Kong government; independent civil and judicial personnel (including judges and barristers); and the patriotic and democratic camp within in the Legislative Council.

12.6 VI

On the validity of the Provisional Legislative Council, the Hon Chief Judge Chan Siu-oi of the Hong Kong SAR Court of Appeal clearly stated in his judgment:

> The intention of the Basic Law is clear. There is to be no change in our laws and legal system (except those which contravene the Basic Law). These are the very fabric of our society. Continuity is the key to stability. Any disruption will be disastrous. Even one moment of legal vacuum may lead to chaos. Everything related to the laws and the legal system except those provisions which contravene the Basic Law has to continue to be in force. Existing systems must already be in place on 1st July 1997. That must be the intention of the Basic Law.

> It is, strictly speaking, not a legislative Council under Article 68 of the Basic Law. It was not a creation of the Basic Law. It was not meant to be. It is only an interim body formed by the Preparation Committee under the authority and powers of the NPC pursuant to the 1990 and 1994 NPC Decisions. It is never intended to be a Legislative Council of the type and composition as specified in the Basic Law.
>
> Its formation is an interim measure out of necessary. The Sovereign has undoubtedly the power to do. It was not intended as a breach of the Basic Law. It was done with the intention to implement the provisions of the Basic Law and the NPC Decisions.

Justice Chan acknowledged that in the sense of legal formalism, the Provisional Legislative Council was not a designed product of the Basic Law. This said however judging from the political intent of the Basic Law, it was done in an attempt to stabilize the transition of Hong Kong's constitutional order. When the transition of constitutional order established by the Basic Law experienced a crisis, the sovereign must rescue Hong Kong's constitutional order from a state of emergency. Therefore, the formation of the Provisional Legislative Council was a political decision by the sovereign to save the Basic Law and a product of the Hong Kong constitutional revolution. It was not the product of the Basic Law, but the product of China's Constitution. It does not reflect peaceful transition of the constitutional order, but the constitutional revolution, i.e. the political struggle between Britain and China on the possible impact of Patten's political reform package on the Basic Law. Thus, the understanding of Hong Kong's constitutional order should be based on the background of the Constitution of the People's Republic of China, because the Provisional Legislative Council was the product of China's Constitution and the product of the NPC's exercise of national sovereignty. Therefore, in terms of Hong Kong's constitutional order, it was not based on the Basic Law, but on the Constitution of the People's Republic of China (see Chap. 10).

Based on the doctrine of sovereignty of a state in emergency, Justice Chan declared that the HKSAR courts have no power to review the country's sovereign political decision. This judgment of the Court of Appeal was criticized by the liberal barristers. The focus of criticism was no longer whether the Provisional Legislative Council was in accordance with the Basic Law, but the HKSAR court's renouncing the exercise of right of jurisdiction and judicial review on the behavior of the sovereign. Finally two years later, in a case concerning the right of abode, the Court of Final Appeal overturned the reasoning in the Ma Wai-kwan case and supported Hong Kong courts' exercising the right to review the constitutionality of acts of the sovereign, which led to the inevitable legal battle. In this series of tussles over interpretation of the Basic Law, the London-trained common law barristers gradually got more embroiled in Hong Kong politics. Afterwards, the constitutional development of Hong Kong turned into a political struggle centering on the Basic Law. This struggle over the interpretation of the Basic Law turned the political differences between the central government and the HKSAR into a Basic Law issue, making it truly become a living and growing Constitution (living tree), while the

central government and the HKSAR became more deeply embedded in the constitution of the Basic Law. It is thanks to Hong Kong barristers' unyielding spirit of the rule of law that the central government took the Basic Law seriously in the process of ruling Hong Kong, and developed a mode of rule and administration which is different from those of the mainland. It was a precise indicator of the future development and direction of China's politics.

Chapter 13
China's Sorrow

13.1 I

On 29 December 2007, ten years after the return of Hong Kong, the NPC Standing Committee made a Decision on the constitutional development of Hong Kong, clarifying that Hong Kong people may elect the Chief Executive by the method of universal suffrage in 2017. Also after the Chief Executive is selected by universal suffrage, the election of the Legislative Council may be implemented by the method of electing all the members by universal suffrage. That same evening, Qiao Xiaoyang, Director of the Standing Committee of Hong Kong and Macao Basic Law Committee of the National People's Congress, and other central government officials held two seminars in Hong Kong on this NPC's decision to dispel any doubts and hear the views of Hong Kong people. It was actually Qiao Xiaoyang the third time that he exchanged views with the Hong Kong community on constitutional development.

The first such occasion was in April 2004, following the NPC Standing Committee's Decision on the methods of selecting Chief Executive in 2007 and Legislative Council members in 2008. Qiao Xiaoyang explained to the Hong Kong community the reason why the NPC Standing Committee had rejected the demand for the so called "dual elections by universal suffrage," meaning those of the Chief Executive in 2007 and the Legislative Council in 2008. The major concern of the Central Government was to ensure the economic prosperity and political stability of Hong Kong. Because the election by universal suffrage of the Legislative Council was related to the method of selecting members of functional constituency, this would have a big impact directly on the political interests of Hong Kong business and professional circles. The selection of the Chief Executive by the method of universal suffrage undoubtedly would affect the relationship between the central government and the HKSAR, a particularly important factor for Hong Kong's political stability. Based on these considerations, the central government emphasized that the fundamental principle of the constitutional development of

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Hong Kong was "gradual and orderly development." Therefore, Qiao Xiaoyang pointed out that the key point of this "NPC Decision" was to "signpost the way," clarifying that the election method of Chief Executive and the Legislative Council members in 2008 could be modified in line with the principle of gradual and orderly development.

The second meeting took place in November 2005, when the HKSAR Government proposed a modified plan for the 07/08 election of the Chief Executive and the Legislative Council members, reflecting the spirit of the "NPC Decision." This modified proposal won wide support in the community thanks to a significant increase in the democratic elements. But opposition members in the Legislative Council tried to veto the proposal, conflating it with the absence in the proposal of a "timetable for election by universal suffrage." In this context, Qiao Xiaoyang exchanged views with all walks of the Hong Kong society, and put forward the idea of "both ideas are respected," meaning that the central government respected not only opposition legislators' demand for a "timetable for election by universal suffrage," but also the general public's support for the modified proposal. Actually, he expressed this idea to the opposition lawmakers directly, and his hoped that they could consider the overall picture and respect the general public's support for the modified proposal so as to witness a big step forward in democratic development in Hong Kong. However, the opposition leaders insisted on the radical roadmap initiated by Patten (see Chap. 11), and thought that by vetoing the proposal, occupying the moral high ground of fighting for "election by universal suffrage," organizing protest marches again, they could weaken support for the HKSAR government and the central government and force the central government to replace the Chief Executive or set a timetable for election by universal suffrage. However, things did not go their way. After opposition members on the Legislative Council rejected the modified proposal, they had to take the blame for the "standstill of Hong Kong's political system." The political integrity and moral appeal of the opposition was bankrupted, and its ability to mobilize society also plummeted.

Amid opposition insistence on the "dual elections by universal suffrage" of the Chief Executive and the Legislative Council in 2007/08, the central government communicated with and explained to the Hong Kong community on the issue of constitutional development. The "NPC's Decision" of April 2004 meant that the sovereign made a decision that had constitutional validity. However, the opposition did not accept the decision of the sovereign, but used the 2007/08 "elections by universal suffrage" as a political banner to stir up society. They clearly intended to attack Hong Kong's constitution or rule of law in the name of political democracy, branding the development of Hong Kong democracy as pre-constitution political democracy rather than "constitutional democracy." The opposition organized rallies against the SAR Government's modified proposal and voted against it in the Legislative Council. It looked like a vote ostensibly against the SAR Government, but in fact against China, the political sovereign. Thus, the essential issue of democracy in Hong Kong became whether its development should comply with the

Basic Law, and whether it should respect the authority and decision-making power over Hong Kong's constitutional development accorded to the central government by the Basic Law.

Due to these reasons, on the evening of 29 December 2007, at a forum with the Hong Kong community on the NPC's Decision, Qiao Xiaoyang prefaced the session with a vivid example and humorous story of "Kuan Kung's War against Qin Qiong." The message was that dialogue between the central government and Hong Kong community needed a common platform and that platform was the Basic Law and national sovereignty determined by the Basic Law, specifically, the right to decide the constitutional development of Hong Kong. If Hong Kong people did not recognize even this point, any dialogue would be impossible and result in an absurd situation; just like that "You live in Sui Dynasty. I live in Han Dynasty. Therefore, how can we two fight for anything?" The historical allusion was too classical and Qiao Xiaoyang was afraid it would go over peoples' heads, so he took stock exchange as an example, that "Like the A-share and H-share, they trade in different stock exchanges, thus cannot be traded as one." This example seemed to have been understood by the people of Hong Kong.

13.2 II

Since the British Hong Kong government pushed representative reform in 1984 until the "NPC Decision" gave a clear timetable for election by universal suffrage in 2007. It took Hong Kong nearly 40 years to complete the transition from a colonial autocracy to democracy. Counting from the 1967 Anti-British Protest Movement to the possible election by universal suffrage of the Chief Executive in 2017, it is a half of a century precisely. During all these 50 years, the driver of Hong Kong's political transition has undoubtedly been the central government. This is particularly the case that agreed return of Hong Kong to China in the early 1980s has pushed for the development of the representative government by the British Hong Kong government. Had the central government not pressed the return of Hong Kong to China, there would have been no constitutional development and democratic reform in Hong Kong. The Sino-British Joint Declaration of 1984 only announced that the Chief Executive and the Legislative Council should be elected, and made no specific requests on the method of the selection, certainly not the election by universal suffrage. The elections by universal suffrage of the Chief Executive and Legislative Council were specified in the Basic Law, which was determined by the National People's Congress in the first place, and even the representative reforms conducted by the British Hong Kong Government were agreed by the central government through consultation (see Chap. 10). In this sense, it should be said that the central government has always been the keenest pro-democrats in Hong Kong.

However, the actual situation we are having now is rather twisted to an absurd degree. Some Hong Kong elites could not bring themselves to recognize the fact

that the right to elect by universal suffrage has been given due to the Beijing-pressed return of Hong Kong, not a gift from the British. The Hong Kong legal profession generally considered the legal basis for universal suffrage in Hong Kong was not the Basic Law, instead was the International Convention on Civil and Political Rights signed up to by the British government and later recognized by the Basic Law. Unfortunately, at the time of joining the Convention, the British government explicitly stated that the Convention's provisions relating to universal suffrage should not apply to Hong Kong. But the Basic Law did clearly stipulate it.

This absurd way of looking at the development of democracy on this island is widespread among Hong Kong elites, and is undoubtedly the saddest page in the tragic modern history of China. Long colonial education has made some of Hong Kong's elite totally identify with the western world. Their mentality made them lost their ability to have objective judgment, reflection and critical thinking on the historical course of Hong Kong. In terms of cultural values such as freedom, equality and democracy, they see Hong Kong as part of the Anglo-American and the Western world, rather than as a part of China because they (including the western world behind them) simply ignore the great contribution of China's revolution to human liberation and equality, not acknowledging the great contribution of the Chinese revolution in promoting the democratic process globally. In other words, in terms of cultural values and political identity, many of Hong Kong's elite in fact think of Britain or the United States rather than China as their home "country." Although Hong Kong returned to the motherland under the "one country, two systems" policy, the "one country" concept is just an empty symbol in their minds, a concept lacking substantive content. So, on the subject of being "patriotic," they often say they love the rivers and mountains, history and culture of the motherland, rather than the political entity including national sovereignty. Such a patriotic standard was proposed under British colonial rule, but it should not or could not be the same after the return of Hong Kong to China in 1997. Otherwise, what would be the difference between patriotic Hong Kong people and overseas Chinese? Therefore, Deng Xiaoping's standard for being "patriotic" clearly defined that any kind of values can be accommodated but a "patriot" must support the reunification of China, support "one country, two systems," support the central government's resumption of the exercise of sovereignty over Hong Kong and support the sovereignty of the central government.

From the legal point of view, the return of Hong Kong meant that the central government's sovereignty over Hong Kong changed from "having the right of sovereignty" to "exercise the right of sovereignty" (see Chap. 6). In other words, it meant that "one country" changed from being a historical and cultural construction to one of legal sovereignty and carries more the meaning of state than of country. This is precisely the significance of the Basic Law. The Basic Law is an integral part of China's constitution because it is a sovereign construction law. Thus, the central government's resumption of sovereignty meant that Hong Kong was bound to experience the pain of the process of decolonization, namely, erasing to a certain extent the residual mental traces of British exercise of sovereignty over Hong Kong.

In China's exercise of sovereignty over Hong Kong, it would inevitably want to make an imprint on her citizens. Since Hong Kong people have not developed national identity, this was bound to be a painful process. The successive political disputes after its return, including those of the NPC's interpretation of the Basic Law, the Article 23 Legislation, and constitutional development issues, all in essence touched up the issue of decolonization, and upon national sovereignty construction in Hong Kong. Before Hong Kong completing this process, in other words before it establishes national identity, Hong Kong's political system development will inevitably get mired in the difficulties of state-building.

The key to the development of Hong Kong's political system lies in the question as to how to implement election by universal suffrage of the Chief Executive and the Legislative Council stipulated by the Basic Law. The problem is not only a product of the British withdrawal strategy (see Chaps. 4 and 11), but also the product of the central government's positive response to the demands of Hong Kong people for democratization. The central government kept to the British political tradition of liberalism, advocating a gradual and orderly development of democracy to the ultimate aim of election by universal suffrage. By contrast, the opposition inherited Patten's French Revolution-style liberal tradition and still advocated the immediate implementation of the most thorough and open election by universal suffrage. It should be said that the dispute between the central government and the Hong Kong opposition over the issue of democratic elections by universal suffrage in Hong Kong lies in the distinction between "moderate democrats" and "radical democrats" in the distinction between democracy in local government under the sovereignty of the central government, which means the central government decides to participate in the constitutional development of Hong Kong, and in the distinction between the democracy of an independent political entity without consideration of the sovereignty of the central government. But the difference certainly does not lie in a distinction between "autocracy" and "democracy." In the global ideological contest in "the post-Cold War era," Hong Kong opposition, backed by the western world, won the power to define and dominate the so-called "democratic discourse." As a political strategy, they intentionally confused the disagreement on the speed and manner of democratization with the confrontation between "democracy" and "autocracy." So, the people would naturally assume that the reason why the central government opposed fast-track implementation of election by universal suffrage in Hong Kong lied in the autocratic and non-democratic nature of the regime. As a result, in the parlance of the "democrats," Hong Kong's political development issues have been presented as the conflict of "Central Government versus Hong Kong" and "Autocracy versus Democracy." The way the Hong Kong opposition shaped the discourse not only succeeded in putting the central government at a political disadvantage, but also in obscuring their moral dilemma of national identity. This is because although the issue of political development in Hong Kong appears to be about democratization, it is in fact an issue concerning the prosperity and stability of Hong Kong and the construction of

national sovereignty. The first has a bearing on to how to deal with "populism" and the second, on whether a democratized Hong Kong will challenge the sovereignty of the central government and affect its stability. The thinking of the central government over political development in Hong Kong precisely grasped the nature of the problem.

13.3 III

The primary issue regarding to the democratization in Hong Kong was on the way to balance the relations between the elites of the industry and commerce sector and the grassroots tier. The process of "administrative adsorption of politics" had turned the rule of the British Hong Kong government from one of purely military repression to politics of the elite with Chinese industrial and commercial elite participation in their administration. The Guangdong-Hong Kong General Strike of 1925 instigated by the Chinese Communist Party in 1925 was a grassroots political struggle against capitalists, the first wave of democratization in Hong Kong. This wave peaked with the 1967 Anti-British Protest Movement, but both the events were brutally suppressed by the British Hong Kong government (see Chaps. 1 and 2). The political developments of the 1980s initiated by the British as their withdrawal plan can be considered as the second wave of democratization. This wave started from the functional constituencies of industrial and commercial professionals and crested in the 1994 and 1995 elections of Legislative Council members and District Council members promoted by Patten's political reform package. After the reunification, since the year 2000, hit by the economic depression in the wake of the Asian financial crisis, the dot.com bubble and "SARS," Hong Kong society campaigned against the "collusion between government and business" and "mutual back-scratching." This, the third wave of democratization, reached its peak in July 2003. The democratization process in Hong Kong undoubtedly included the distribution of political interests between industrial and commercial elites and the grassroots. But considering Hong Kong's position in the wider context of an international relations struggle with Britain and China contesting sovereignty, and against the backdrop of reunification and structural changes, the issue of democratizing the industrial and commercial elites and grassroots was inevitably associated with anti-colonialist issues, such as "1967 Anti-British Protest Movement," "Anti-communist by democracy," and "Kicking out the royalists" and other larger political issues linked to sovereignty. This meant that Hong Kong's democratization could never simply balance various interests groups within the society, but would inevitably involve touch on the issue of building China's national sovereignty, because Hong Kong has never been an independent political entity but a part of China.

In the initial stage of reunification, the only political force in Hong Kong on which the central government could rely on was the traditional leftists. The Anti-British Protest of 1967 had pushed them into an awkward corner, and resulted

in a situation described as "left (ideologically) and narrow (room for development)." In order to change this, in the 1980s the central government established a united front with the industry and commerce sector, hoping to preventing the outflow of capital that would affect the prosperity and stability of Hong Kong. It has to be pointed out that the central government's Hong Kong policy in the 1980s had two simply but paramount objectives, first Hong Kong's return, and second Hong Kong's prosperity and stability under the premise of return. The design of the "one country, two systems," a unique system of nation-building, was to serve these two paramount political goals. In the central government's strategic thinking, its understanding of the end of "prosperity" was that Hong Kong's capitalist system should remain unchanged under the "two systems" and core to this was protecting the interests of the capitalist. As to the end of "stability," it understood as balancing and properly managing various political relations within the Hong Kong society as well as the political relationship between the central government and HKSAR government, the former having to take care of the political interests of industry and commerce and the latter having to ensure national sovereignty and that patriots should rule Hong Kong. Economic "prosperity" was a prerequisite for political stability, in turn political "stability" guaranteed the economic prosperity. The Hong Kong business community therefore had a pivotal role to play in this. It is for this reason that the central government policy vis-à-vis the Hong Kong business community was not an expedient for the smooth return of Hong Kong nor a simple calculation of political interest, but a way to reach the highest political goal, i.e., the long-term prosperity and stability of Hong Kong.

It should be said that the Hong Kong business community was generally skeptical of central government's policy in the 1980s. In the process of drafting the Basic Law, the election by universal suffrage of the Legislative Council was the biggest bone of controversy in Hong Kong's political development. Back then, the conflict between the business community and the "democrats" was so intensified to the extent that consensus became impossible. The central government was basically detached from their arguments. The "democrats" advocated immediate election by universal suffrage by leveraging the idea of the "Anti-communist by democracy." On the contrary, the business community favored a slow-downed process of the election by universal suffrage and worried about the ideas pushed by the democrats. Actually, they were also afraid the central government would support the leftists to change Hong Kong's capitalism (see Chap. 10). Against this background and given the cooperation between China and Britain at that time, the British took the opportunity to recommend that in order to protect business interests, China should adopt the system of functional constituency, under which members were elected by business and profession groups (see Chap. 11). This recommendation won the approval of the central government and the functional constituencies were renamed "functional organizations," which implied that voters were groups rather than individuals. Annex II of the Basic Law clearly stipulates three modes of election to the legislature, namely, the directly-elected geographical seats; the elected seats of the electoral group; and the seats produced by the functional constituencies. It also provides that the second mode would be gradually

abolished over the first three terms of the Legislative Council before 2008; the directly-elected geographical seats would be expanded; and ultimately the directly-elected geographical seats and the functional constituency seats would each account for half of all seats in the third Legislative Council. With regard to how to reform the election to the fourth Legislative Council in 2008, the Basic Law gave no specific stipulation, but a modified procedure to the effect that "after 2007, any modification in the methods for constructing the Legislative Council and voting procedures of bills and motions mentioned in this Annex shall be subject to a two-thirds majority of all the members of the Legislative Council and the approval of the Chief Executive as well as reported to the National People's Congress Standing Committee for the record" (Annex II, Article III of the Basic Law). Similarly, Annex I of the Basic Law also provides for the election mode of the first two Hong Kong Chief Executives after the return, giving no specific stipulation for after 2007 but giving a modified procedure similar to that for the Legislative Council election.

After the reunification, the central government fully implemented Deng Xiaoping's "one country, two systems" policy and as sovereign shouldered the political responsibility of maintaining Hong Kong's long-term prosperity and stability. "One country" means safeguarding national sovereignty and ensuring that Hong Kong is ruled by patriots. "Two systems" means maintaining Hong Kong's capitalism unchanged so as protect the interests of the Hong Kong business community. However, in an economic slump, hit by "SARS," policy errors and the pains brought by "decolonization," the community reacted strongly against the phenomenon of the "businessmen ruling Hong Kong," "collusion between government and businessmen" and "mutual back-scratching." The opposition in Hong Kong took this golden opportunity to propose "2007/08 dual elections by universal suffrage," requiring that the Chief Executive be elected by universal suffrage in 2007 and all functional constituencies in the fourth Legislative Council to be replaced by directly-elected geographical seats in 2008. The economic slump and policy errors combined to product widespread dissatisfaction in the society and the opposition call for "2007/08 dual elections by universal suffrage," provoked mass demonstrations in 2003, and by the end of the 2003 District Council election, the opposition had won nearly half of the directly-elected geographical seats. This gave the opposition the hope that by riding their chance they could win a majority of the seats in the third Legislative Council in 2004, and achieve the goal of "2007/08 dual elections by universal suffrage."

At that time, the Hong Kong business community was not well prepared for direct elections, and was heartily opposed to the radical proposal for election by universal suffrage pushed by the opposition, fearing that the "populist" democrats would adopt "free lunch" policies once in office and Hong Kong would turn to high-welfare socialism. It is especially important to note that in the process of drafting the Basic Law, Hong Kong was positioned as an international metropolis. In order to maintain this status, there were different opinions about how to protect the interests of the business community in the political system. Some favored a "bicameral system" but the drafting committee abandoned this proposition and retained the "separate voting" mechanism, i.e. some motions of the Council could

only be passed after having won more than half the votes of both directly elected members and functional constituency produced members. This mechanism turned the Legislative Council into a hidden bicameral legislature. Thus, election by universal suffrage of the Legislative Council became a problem of whether to abolish the structure of the Legislative Council as established by the Basic Law, and this was patently not an issue of election, but one relating to constitutional reform. As a problem relating to national sovereignty, the central government obviously could not leave it alone since the election of the Chief Executive touched on the authority of the central government to appoint the Chief Executive. Faced with this constitutional problem, the National People's Congress made a resolute decision on 26 April 2004 to veto the "2007/08 dual elections by universal suffrage." It stated that the methods for producing the Chief Executive in 2007 and the Legislative Council in 2008 could be modified in accordance with the principle of gradual and orderly progress. The considerations for rejecting election by universal suffrage of the Legislative Council in 2008 were, among other things, that it should be conducive to the balanced participation of all sectors and groups of the society, to the maintenance of the long-term prosperity and stability of Hong Kong. As Qiao Xiaoyang, the Deputy General Secretary of the Standing Committee of the NPC said: "If we abandon the system of functional constituency rashly, particularly without the set-up of the bicameral system or political parties which would represent the business sectors thus ensuring a balanced participation, then the election would not be in line with the principal of the balanced participation of all sectors and groups of the society, nor would it represent the views and demands of the supports of capitalism."

From this it can be seen that in the election by universal suffrage of the Hong Kong Legislative Council, the core issue for the central government to consider is the long-term prosperity and stability of Hong Kong; they must also consider the prospects of the functional constituency election and the way out of the problem. On this issue, the central government's insistence on political principle showed surprising consistency with the conservative political principle of the Republican Party of the United States. It is no wonder that President Reagan had a sense of fellow-feeling with Deng Xiaoping, a fact that led to Deng appearing several times on the cover of the *Time* magazine. When the democrats in Hong Kong persisted in regarding gradualism in developing Hong Kong democracy as central government "autocracy," a way of killing off Hong Kong's democracy, they ignore the central government's political responsibility for the long-term prosperity and stability of Hong Kong. They also ignore its moral sincerity and political determination in shouldering this responsibility.

13.4 IV

Democratization in Hong Kong was closely tied up with the positioning of Hong Kong as a commercial metropolis, with the interests of the business community in particular and the construction of "one country." It's fair to describe the

democratization of Hong Kong as also the core issue in the state-building. At present, Hong Kong is like a "British colony without the British actual rule," because the scars on the soul of the Chinese people (including Hong Kong people) caused by Patten's political reform package rendered political identification in the country's nation-building very sensitive and fragile. Although the Basic Law stipulates that Hong Kong is a Special Administrative Region directly under the Central People's Government, Hong Kong elites certainly do not identify with the Communist Party of China, nor do they entirely identify with the political sovereignty of the central government, so that state building has been completed in the legal aspect, but not in terms of spiritual or political identification. As a Special Administrative Region directly under the Central People's Government, Hong Kong's democratization undoubtedly should be constructed on the premise of "one country." Therefore, in regard of Hong Kong's political system development, the central government adheres to the basic principle that the "two systems" are predicated on "one country" and Hong Kong's democracy is a regional democracy under the jurisdiction of the central government, rather than the democracy of an independent state. As a result, the democratization of Hong Kong has to be participated in by the central government and must ensure the central government's exercise of sovereignty over Hong Kong as a prerequisite stipulated by the Basic Law. If the democratization of Hong Kong comes in conflict with the authority of the Basic Law and the sovereign authority of the central government, the central government is bound to use its sovereign authority to curb radical democratic development in Hong Kong.

Emphasis on the construction of national identity and "one country" in the soul is so important, precisely because the legal construction of "one country" means a lot more related to the concept of country than that of the state (see Chap. 8). In other words, because the construction of "one country" under the Basic Law is not sufficient to maintain a normal governance of a state, the central government is forced to use political means and cultural identification to compensate for inadequacies in state-building. From a legal point of view, the Basic Law defines the relationship between the central government and the HKSAR according to "one country, two systems," but the political responsibility of the central government's sovereign power that the Basic Law endows does not match with the political responsibility. The political responsibility of the central government is to maintain the long-term prosperity and stability of Hong Kong, but this needs more than garrison troops and diplomacy alone, for instance, some routine supervision and management powers are essential. It is impossible for the central government to hold the financial, taxation and judicial sovereignty of Hong Kong, which makes it unable to exercise daily governance of Hong Kong. The Basic Law gives the central government two indirect supervision rights: namely, the right to interpret the Basic Law and the right to appoint the Chief Executive. But the right to interpret the Basic Law cannot be used in daily governance, and is also strongly resisted by Hong Kong elites. Moreover, the right to appoint the Chief Executive clashes with by the election of the Chief Executive by universal suffrage.

The difficulties brought about by the constitutional system rendered the Chief Executive the most important link for consolidating the relationship between the central government and the SAR Government. So the central government needs to reserve the right to appoint the Chief Executive and the principal officials of the Government's executive authorities so as to ensure the SAR administrative authority remaining in the hands of the patriots. Otherwise, Hong Kong will basically become a "semi-independent political entity." However, it is on precisely this point, the one of greatest concerns to the central government and HKSAR, that the Basic Law itself is full of tension. On the one hand, it stipulates that the Chief Executive is nominated by a broadly representative nominating committee through a democratic nomination process, and eventually elected by universal suffrage. On the other hand, it stipulates that the Chief Executive can finally take office only after the appointment by the central government. The crux of the matter is that where the "decolonization" process is not finished, where political identification with the central authority is lacking, radical suffrage might well give rise to the following questions. First, if a person with the intention on challenging the central authority became a candidate for the Chief Executive through election by universal suffrage, should the central government reject the appointment? Secondly, if the central government refused to appoint the elected person, then it would face a constitutional crisis, how the central government would deal with the situation? Thirdly, if a Chief Executive elected on a universal suffrage basis adopted the de-Sinicization measures, pushed for a referendum to amend the Basic Law, weakened the sovereignty of the central government, or went as far as promoting autonomy or total independence for Hong Kong, how to solve these problems? In short, Deng Xiaoping put his finger on the core issue in 1987 when he posed the question whether a general election necessarily brought out a Chief Executive who loved the motherland and Hong Kong (see Chap. 10).

There were good grounds for this question. Before the reunification, the democrats proposed "Anti-communist by democracy," hoping to grab the right of ruling Hong Kong through elections or at least to weaken the central government's exercise of sovereignty. If this could happen before reunification, then would the situation be any different after the handover? Let's not forget the fact that after the NPC Decision to veto the "2007/08 election by universal suffrage," Hong Kong "democrats" went so far as to borrow and repeat Taiwan experience, meaning openly promoting a "referendum on election by universal suffrage" program and trying to reverse the sovereign's decision by utilizing the will of the people. This could easily be understood as the Hong Kong version of the "Taiwan referendum" orchestrated by Chen Shuibian. Moreover, the approach was similar to that of Chris Patten's political reform package which pushed Hong Kong people taking a defiant attitude towards the central government in the name of "election by universal suffrage." Let's not also forget that Alan Leong, a candidate nominated by the "democrats," explicitly declared in his manifesto during the election campaign in 2007 the following pledges. First, the executive-legislative relation would adopt the parliamentary and cabinet system. Secondly, the restriction that the Chief Executive shall not have any political background would be canceled. Third, the Chief

Executive has to select most cabinet members from the Legislative Council elected by Hong Kong people. The right of appointment by the central government for the Chief Executive and principal officers would be abolished. It is clear that in the eyes of the "democrats," politics are not convention politics based on the platform provided by the Basic Law, but constitutional politics to amend the Basic Law and reconstruct the social contract. Their purpose is very clear. They want to exclude the exercise of sovereignty of the central government over Hong Kong. Along with their denial of the power of the NPC to interpret the Basic Law, their basic idea is to turn Hong Kong into an independent or semi-independent political entity, and to oppose as much as possible the central government's resumption of exercise of sovereignty. It is clear that on the fundamental issue of reunification, the conflict between the Hong Kong "democrats" and the "patriots" more or less hit on the paramount political issue.

Of course, people were convinced that even if such a situation should arise, it would stand no chance at all for success. However, that would mean that the central government would be obliged to intervene directly again, and an interminable political struggle would ensue. This meant that the central government would find it hard to take effective governance on Hong Kong in convention politics and would have to deal with all kind of crisis all the time. Therefore, the central government handles Hong Kong's constitutional development in a progressive, orderly, prudent and rational manner. It focuses on maintaining Hong Kong's "political stability" and preventing the so-called "Taiwanization" of democracy in Hong Kong if the democratization is rolled out too rapidly. Otherwise, Hong Kong might fall into a political state of emergency, and the central government may have to announce the suspension of the Basic Law as per the terms on state of emergency and apply mainland laws directly to Hong Kong. Such a move would undoubtedly jeopardize the principle of "one country, two systems." Since the people of Hong Kong grew up against the backdrop of a century of political and cultural conflicts between the West and China, it is hard to allay the pains and resentments in the relationship between Hong Kong's leftists and the rightists as that between Hong Kong's democrats and the central government. Time is needed to heal the divisions and misunderstanding. Radical democratization could only induce dark hatred and resentment in people's hearts and intensify the splits within the Hong Kong society, and damage the relations between Hong Kong and the central government. Therefore, on the issue of political development in Hong Kong, the worry must be the same as that expressed by Abraham Lincoln—"A house divided against itself cannot stand." Since Hong Kong's return, the central government has highlighted the constitutional status of the Basic Law on all occasions. It has also emphasized the rule of law. Its policies towards Hong Kong could be characterized as an approach of restraint, tolerance, generosity and self-restraint, and it has taken the Basic Law more serious than that of the Constitution. In other words, it has made every effort.

When designing the pace of democratization in Hong Kong, any responsible politician must take potential constitutional crises into consideration due to two inadequacies in Hong Kong. One is the insufficient build-up of the national identity

due to the well-known historical factors. Another is the inadequacy of state-building framed in the Basic Law. In other words, the dilemma of Hong Kong's political development is rooted on the one hand in the lack of national identity in the specific context of Hong Kong, and on the other hand because under the "one country, two systems," the Hong Kong's national identity hovers between the concept of the state and that of the country (see Chap. 8). Let us examine the question from an opposite angle. Had the central government took back monetary, fiscal and judicial sovereignty according to basic modern principles of state-building, the central government would not have to worry that early implementation of election by universal suffrage in Hong Kong would hurt the interests of the business community, threaten economic prosperity and trigger a constitutional crisis such as the above-mentioned "Divided House" situation. Suppose the state was built this way, the issue on national identity would be relatively easy to solve. For example, it is often said that the lack of national identity is widespread in the legal profession. Of course, it is possible that this impression we had is due to that fact that we don't know Hong Kong's legal profession very well. Let's just imagine for a moment that the power of final adjudication in Hong Kong proceedings lay with the Supreme People's Court and Hong Kong barristers had to win lawsuits in the Supreme People's Court, would we have to worry about the problem of lacking national identity?

Therefore, in order to maintain Hong Kong's high degree of autonomy under the "one country, two systems" whilst also carrying out the elections by universal suffrage of the Chief Executive and the Legislative Council, the only viable approach was to find the appropriate balance between "one country" and "democracy." To this end, when Deng Xiaoping designed the framework of the "one country, two systems," he established two major political principles to make up for the deficiencies in state-building and political identity. The first was to develop and expand patriotic forces, give full play to the political functions of the united front and use political means to compensate for the lack of legal means, so as to turn the exercise of sovereignty over Hong Kong into governance by Hong Kong patriots. The second was to accomplish democracy gradually, using time to compensate for the lack of political identification and strengthen the political identity of the Hong Kong people over time. Both the development of patriotic forces and the enhancement of national education do not happen automatically, so it needed strenuous efforts of the central government, the SAR Government and the Hong Kong community.

13.5 V

In *Democracy in America*, Alexis de Tocqueville noted that the healthy development of democracy depended on three factors, namely, the natural environment, rule of law and public mores. Among the three, the rule of law is more important than the natural environment, and public mores are more important than the rule of

law. With this in mind, he states that "I am very far from thinking that we ought to follow the example of the American democracy, and will copy the means which it has employed to attain this end; for I am well aware of the influence which the nature of a country and its political antecedents exercise upon its political constitution; and I should regard it as a great misfortune for mankind if liberty were to exist all over the world under the same features."[1] In applying this idea to the election by universal suffrage in Hong Kong SAR, the natural environment of a business city and the mature legal environment within Hong Kong are helpful. But the biggest problem is that of public mores. The long colonial governance and the difference of cultural education between Hong Kong and the mainland resulted in a lack of recognition and trust for the mainland and central government. The 1989 political turmoil and Patten's peaceful evolution strategy further deepened the mistrust between the central government and Hong Kong. After the return of Hong Kong, conflicts between the leftists and the rightists intensified grudges and created new enemies. The peaceful transition of Hong Kong did not complete the political task of "decolonization," so the buildup process of national identity has been slow. These basic mores have hampered a healthy development of democracy in Hong Kong. Without prudent handling, democracy in Hong Kong could well become an "inferior democracy."

After the reunification, in order to heal the tearing pain in Chinese heart inflicted by Patten's radical political reform, the central government took a political step back and left the entire internal affairs of Hong Kong to the SAR Government. Such measures successfully built confidence and trust in Hong Kong for the central government's implementation of "one country, two systems," and put an end to the prediction that "Hong Kong is dying" which was widespread in the western world. However, this hands-off approach led to infighting between the leftists and the rightists and ultimately led to the massive mass demonstration in July 2003. This in turn forced the central government to adjust its hands off policy and respond actively to mainstream public opinion in Hong Kong, taking a series of effective measures in order to maintain political stability and economic prosperity, to promote economic development and improve people's livelihood. Moreover, it adopted its great united front strategy establishing the broadest patriotic united front and going all out to promote Hong Kong's social harmony. In the end, the central government has achieved remarkable results.

It was in this context, on the Tenth Anniversary of Hong Kong's Return to China, that the central government released a "timetable for election by universal suffrage" in an effort to consolidate and deepen the political mutual trust between the central government and Hong Kong. This reflected not only the political trust of the central government for Hong Kong people, but also demonstrated the political self-confidence of the central government. This said that we should not ignore the fact that in the same year, the Hong Kong media particularly focused on two

[1]Tocquville, Alexis De (1862) *Democracy in America*: translated by Henry Reeve; Cambridge: Sever and Francis, p. 446.

speeches of the central leadership. On July 1, President Hu Jintao gave a speech to mark the 10th Anniversary of Hong Kong's return, in which he summarized the successful implementation of the "one country, two systems." The Hong Kong media however were much more excited by what President Hu Jintao said in previous day. At that occasion, he put forward a focus on national education for young people. Similarly, on the 10th Anniversary of Hong Kong's Basic Law on June 6, Wu Bangguo, NPC chairman comprehensively elaborated on how we should accurately understand, grasp and implement the Basic Law. But the Hong Kong media focused only on a particular point of the whole speech, namely, that the high degree of autonomy of Hong Kong SAR came from the authority of the central government. And there was no so-called "residual power." This is one of the characteristics of Hong Kong media that they only report things partially. Nevertheless, their professional sensitivity of Hong Kong's media meant they immediately grasped and paid special attention to these key issues for Hong Kong under the "one country, two systems." In the 10th anniversary of the return, speeches from two top leaders and the decision from the highest organ of the state on election by universal suffrage in Hong Kong for the first time grouped together and showed the inherent indivisibility of national education, central government sovereignty and election by universal suffrage. Is it a coincidence? Perhaps, but it's inevitable.

Since 2003, the central government has adopted new mechanisms and new thinking to rule Hong Kong. The results have been remarkable. The trust in and recognition of the central government among Hong Kong people were increasing. In this period, Hong Kong experienced a series of elections. The central government learnt on the job about the basic rules of modern politics, including how to handle election, legal and media games. It has improved its ability to govern Hong Kong under the framework of the "one country, two systems." However, facing political challenges of elections in the future, the central government has to not only enhance the political power of the patriotic camp in those elections, but also adopt an effective cultural strategy, using its soft power to gradually change mores in Hong Kong, win people's support, especially that of Hong Kong's professional elites.

However, it is precisely the struggle to win people's support for reunification, achieve soft power, and bring about political identification with the state and the central government that has trapped China in inextricable sorrow. In the early days of New China, Mao Zedong, Zhou Enlai and other first generation political leaders had great political confidence, taking Hong Kong as a springboard to the Western world, issuing an ideological challenge to the Western world and its political legitimacy. However, just a few decades later, Hong Kong had become the West's base for "peaceful evolution" and overthrow of China. China was forced to adopt the defensive principle of "the river water does not intrude into the well water." This shift from offensive to defensive positioning reflects changes in the international situation, changes in the national strength and, more importantly, changes in

cultural leadership. In the final analysis, the entire Cold War discourse was a contest between the "democracy" principle of the socialist camp and the "freedom" principle of the capitalist camp.

The self-confidence of the first generation leaders led by Mao and Zhou did not spring from China's economic strength, but from the justice principle of political legitimacy, that is to say, the "democracy" and "equality" principles supported in communist belief. Therefore, they were not only able to bring people together, but also to lead the political discourse. After World War II, national liberation movements in the Third World were launched under the banners of "democracy" and "equality" principles while the United States lost political legitimacy because of its racial segregation, so did Britain due to its colonial rule. To this end, Britain entered the "decolonization age" while the United States, in order to win this round of the Cold War, was forced to declare racial segregation unconstitutional. Therefore, the U.S. civil rights movement of the 1960s was called the "cold war civil rights." In order to put an end to the passive state of affairs on the issue related to "democracy" on the one hand, western thinkers tried to discredit the political philosophy of the French, the Russian and the Chinese revolutions, equating their democracy to the "tyranny of the majority," "totalitarianism" and "the road to slavery," whilst elevating Anglo-American liberalism as something to be venerated. On the other hand, there was some technical tinkering with the principles of democracy, and the idea became equated with the representative electoral system, transmuted into "competitive elections" and absorbed into rule of law. The concept of "democracy" became that of "constitutional democracy" and thus leadership of the discourse on democracy was won back.

In comparison, the concepts such as "democracy," "equality" and "revolution" put forward by Mao Zedong's generation were able to achieve such great things. This was mainly due to the steely political will and genius political wisdom of Mao Zedong and other Chinese Communists. If we think of New China on the verge of national subjugation and genocide in recent history, who could not be amazed by the political miracle founded only on people's will and wisdom but exerting such a far-reaching influence on human history, who could not be awed by the will and the extraordinary power lying hidden and unseen behind the wisdom of people. However, due to the insufficient support of the economic, military and cultural resources, this kind of political will and wisdom actually could not endure indefinitely, nor compete with the ideology and discourse of Western economy, military and cultural groups. Mao Zedong was very clear that his study of Soviet political economics textbooks, and how farmers should feed pigs, compost and farm, how the production teams should do their accounts and son on. All these things must be subordinate to the debate on its socialist ideology. Deng Xiaoping also saw very clearly the errors in Mao Zedong's direction and method, so he decisively ended the ideological debate and concentrated on economic reform and modernization in order to increase economic, military and political power for China's voice to carry more weight in the international community, i.e. the political autonomy for which Mao's generation laid the foundations.

However, since the reform and opening up, unlike the contest with the West for leadership of the "democracy" discourse, we first adopted a "hard landing" approach in political ideology, completely negated the "great democracy" element in the "Cultural Revolution" and thus, like throwing the baby out with the bathwater, lost the right to interpret "democracy." Then again, handling political legitimacy with the utilitarian "no argument" approach resulted in the loss of positive political principles in Chinese politics and stifled the vitality and dynamism of China's political ideology, turning it into a vulgar philistinism. China's intellectual elites quickly embraced Anglo-American liberalism in the "Farewell to Revolution." The lack of strong cultural support, the principles of people's democracy, social equality and political legitimacy established by the efforts of New China have thus lost their vitality in the duplicity of political utilitarianism. Under the impact of social liberalism and commercial society, little remains of ethical thinking such as collectivism, togetherness and selfless dedication that was cultured by socialist tradition. We subsequently plunged into unprecedented ideological confusion and spiritual emptiness. The elites emerging from the globalized economy enjoy a short peace and personal happiness, without any idea of what politics is for or what "public will" means. As depoliticized innocents in the globalized world full of empty promises, they have lost political will, political independence and cultural autonomy, the right to define what life means and the right to argue in defense of a lifestyle; all they can do, in Johnny-come-lately fashion, is to pursue recognition by the Western world.

Twenty years passed between the start of reunification negotiations in 1982 to the demonstration in 2003, and it was the hardest time for China's ideology. Hong Kong was at the margin in terms of geopolitics and location, but in terms of Western-led economy and ideology it was in the "central belt." With the meteoric rise of the mainland economy, some degree of Hong Kong's economy being marginalized started to appear, but in the ideological front, Hong Kong still occupies the center of the discourse on democracy, freedom and the rule of law. Consequently, this led to the situation that for all the central government's huge economic and political strength, it seems to be somewhat at a loss. Here, with the dislocation and contrast between center and periphery, between subject and object is precisely where the crux of the Hong Kong malady lies, where the sorrow of China in modern times lies. China's sorrow is that, even in the hardest of eras, deep down the Chinese have never given up the lofty ambition of being the world center of civilization and thoughts, but in the actual political situation, China has been reduced to the political periphery, dominated by others, hardly able to defend its way of life, resulting in unresolved grief. This is precisely why Chinese people are becoming increasingly more affluent but less happy. This dissonance between ideal and reality is liable to engender populist isolationism because of excessive self-esteem. It is also liable to result in surrender of universalism because of excessive self-abasement. These two tendencies are often displayed among the extreme left and the extreme right. The fights and tension between them have kept torturing the Chinese soul, causing China in modern history to experience constant "growing pains." As with the Taiwan and Tibet issues, the stormy history of

Hong Kong, especially the road to reunification and every tragi-comedy since then, have been part and parcel of these growing pains. If China wants to liberate itself from this sorrow, from a position on the periphery of global politics and culture, restore the dignity of Chinese civilization, it will certainly need more time and patience, stronger political will and cultural confidence than those needed to solve the issue of election by universal suffrage in Hong Kong. There must be broader minds, greater courage and greater tolerance; more importantly, it calls for calm, composure and transcendence.

13.6 VI

> For an event to possess greatness two things must come together, greatness of spirit in those who accomplish it and greatness of spirit in those who experience it.

Nietzsche believed he was writing these "Untimely Meditations" for the future. When Emperor Kangxi rejected the idea of rebuilding the Great Wall, he was unaware that the constitutional mode of "one country, many systems" started by this decision would surpass the state-building of the western countries in the future. Nevertheless, he touched upon the greatness of spirit. That is a political system must be based on people's hearts and that there are a variety of paths to lead people's hearts towards a noble realm. Therefore, a truly vital political system or civilization must be able to accommodate different culture and its forms in order to lead hearts to a noble purpose. Only with respect and tolerance for such possibilities, could "universal brotherhood" be realized. True peace on earth does not equate to the Roman Empire's permanent peace caused by expanding identification with Rome, nor the universal homogeneity of global states, but "harmony in diversity" (see Chap. 9). When Mao Zedong in his later years described himself as "a combination of First Emperor Qin and Marx," his ideology had already leapfrogged the Great Wall and touched the universal brotherhood of Communism. Was that universal homogeneity or harmony in diversity? Mao Zedong's philosophical argument on "one divides into two," "one divides into three" or "combine two into one" was by no means a game of metaphysical concepts. It touches upon the greatness of spirit by pursuing the truth and great kindness. For the greatness of spirit, be it the county and feudalist systems, nation state and empire, one and more, we see the framework of "one country, two systems" proposed by Mao and Deng, was supported by the idea of "peaceful coexistence," and was in fact a return to Chinese classical tradition.

If in the ideological contest between China and western countries, China is on the defensive on the issue of democratic and cultural legitimacy as a whole, it is precisely because we have no ability to explore the spirit greatness behind the Chinese revolution, socialist construction and economic reform. In particular, in three decades of reform and opening up, we have not explored "Confucian ethic" and livelihood concept that lie behind it. We have not used political will to guide economic power in a

clear political direction and to the creation of civilization. Instead, on the depoliticized social sciences track, we guided reforms towards the most vulgar greed for money, expansion of materialism and displays of strength, which has led to the corruption of the minds and loss of the greatness of spirit. How to clean up minds, unite the people and construct a political system based on people's minds and great political ideology, this is what "the great rejuvenation of the Chinese nation" should mean. Since Hu Jintao and Wen Jiabao took office, we have not only recovered the values of equality and sovereignty of the people that lie behind socialist tradition in both social policy and cultural values, but also have begun to restore the political ethical principles, people-oriented thought and the harmony value in the tradition of Confucian civilization. The central government has paid special attention to theoretical innovation in ideology and accumulation of cultural soft power. "Love the people, benefits for the people, right for the people" is not only a Confucian political tradition of loving people as if they were one's own children, but also a socialist tradition of serving the people. It even embodies the traditional government by the people in western country which limits the power of government. Chinese civilization, one based on classical Confucian tradition, new socialist tradition, western liberal tradition and the rule of law, is giving birth to a new future. Chinese politics is showing new features, features that we need to upgrade to a more general theoretical sense in order to show both the uniqueness of Chinese politics, but also its political legitimacy and its universal significance for all mankind.

In 2008, Hong Kong entered the first year of the transition period for election by universal suffrage. It was also the first year of the KMT's return to power in Taiwan. In what seemed historical destiny, the Olympic torch relay event and the Sichuan earthquake inspired unprecedented cultural cohesion, political cohesion and moral influence among Chinese, to send out the voice of Chinese people to the world and show the uniqueness and superiority of modern China's political system. It demonstrated China's rise from the economic field onto the political and cultural stage. For the revival of the Chinese nation, 2008 was undoubtedly a landmark year. That said, with this bright future ahead, all mainland Hong Kong and Taiwan Chinese and the Chinese diaspora around the world should, armed with greater patience and self-confidence, make a joint effort to explore China's road.

Hong Kong was once a political springboard from the continent towards the sea. Since the time Admiral Zheng He's voyages of the early 15th century, it was a new long jump full of political importance, even though it ultimately did not succeed. Today we are experiencing a quiet second voyage in Hong Kong. Hong Kong is not only a demonstration to Taiwan on the practice of "one country, two systems," but also a foundation to strengthening our ties with the ASEAN counties, and, through ASEAN, furthering the ties of cooperation, mutual benefit and mutual trust with the Islamic world. If we can position Hong Kong wisely, leveling on its well-developed commerce, its civil society and culture, its relationship between Hong Kong and surrounding areas, Hong Kong will remain the point to leverage the Western world. Amid such a huge historic change, what historic fate will Hong Kong experience? What political choices will the Hong Kong elites make?

Afterword

This little book reflects my thinking on Hong Kong, also further on China through the lens of Hong Kong. The question centered on my pursuit is this—What does China really means? Some chapters of this book were first appeared and serialized in the magazine *Reading*. The deleted and unpublished contents of these chapters, due to limited space, have been restored and fully published in this book. The previous edition of the book was published in Hong Kong by the Oxford University Press in 2008. In the Postscript of that edition, I elaborated the intention of my write the book. That was to hope the Hong Kong leftists and the rightists were able to go beyond their own historical experiences and interests, thus to reach mutual toleration and understanding in embracing the great rejuvenation of the Chinese nation. This is in fact the hope expressed by many people to all the Chinese whether in the mainland, Hong Kong, Macau, Taiwan, or around the world. To this end, I excerpt the follows:

The mainstream approach about Hong Kong or China is either from the western viewpoint or Hong Kong's own perspective on Hong Kong, or Hong Kong's perspective on China. Seldom do we see a narrative that is from China's perspective on Hong Kong. Even if there is one, it is often from the perspective of old China, rather than the present China or the future China to see Hong Kong. Being colonized means not only the capture of territory, but also the capture of minds, which in turn often results in providing the legalization of territorial take over due to the changes in self-identification. In this process, culture and politics are intertwined, leaving with Hong Kong both joys and sorrows.

Due to the different perspectives and emphases, our understanding of Hong Kong is naturally different. In the process of writing this book, I've always keep these differences in mind and try to understand and sympathize the variety of narrative viewpoints, not only trying to understand the silent bitterness of the Hong Kong traditional leftists, but also trying to understand the anxiety of Chung Sze-yuen and the pain of Lam Hung-chi. Due to the specific context of Hong Kong, I have skipped some history phenomenon which is well-known but only floating on the surface of the society, and highlight others which are generally ignored but precisely demonstrate the essence of the Hong Kong issue. Therefore, it is the aim of this book to open a dialogue, encourage mutual understanding among people with different angles. These differences in perspectives and methods lie in

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differences of background and life experiences as well as differences in education and political identity. I hope that this dialogue is a rational and constructive one without dwelling on the details of the history and feeling of resentment of personal life, so that to embrace the future of our nation.

Although my approach of Hong Kong is from China's perspective, I have never pondered over the issue of Hong Kong as a region problem of China, nor an unimportant local problem. These are exactly the reason why some mainland scholars ignore or simplify the Hong Kong problem. And I hope to take Hong Kong as a central issue of China and regard it as the key to understanding China. This is because on the one hand Hong Kong shows vividly the cultural and political contest between Chinese and western world in modern times, on the other hand it also demonstrates the most fundamental differences between Chinese civilization and western civilization. Of course, we should place the issue of Hong Kong not only against the background of dispute between China and the West, but also the dispute between the ancient and modern times, especially from the prospective of modern nation-building put forward by Mao Zedong and Deng Xiaoping. Two of them led an unprecedented transformation for ancient China in accordance with modern ideas, thus making the nation to go beyond the continental country to embrace the sea. We definitely should also recognize the intrinsic relevance and consistency between the classical tradition and the new socialist tradition, especially that the framework of "one country, two systems" is derived from the wisdom of Chinese classical thought and wisdom to solve frontier issues.

However, due to the historical background of colonization, many Hong Kong people were not directly involved in China's modernization, or somehow involved in it in an indirect or even sad way. As a result, the majority of Hong Kong people identifies with traditional China, but has considerable reserves or even profound resentment and hostility for the modern new China and the socialist tradition. This comes from not only the political bias of colonial ideology of the Cold War or cultural bias of the western centrism, but also the complexity of love and hatred, ups and downs in our modern state. After all, Hong Kong provides a room for the victims of the wave after wave's modern construction in the Mainland. If we are able to reflect on own cultural biases or political prejudices, put aside narrow personal grudges, look at China's modern and contemporary history, twists and turns of in modern exploration including the Chinese revolution, building of the new China, socialist construction, the Cultural Revolution, reform and opening up, the political turmoil in 1989 as well as China's rise from a civilized, national and historical perspective, I have the confident that we will feel deeply for the concept "China." That is why I emphasize the mutual understanding between different perspectives and self-reflection on the life experience at the beginning, which is actually the self-education each of us should take.

In an interview by Hong Kong's *Wen Wei Po*, I further elaborate the issues of Hong Kong, and my working and living environment in Hong Kong. Due to space requirements, some contents of the interview have been deleted when published. The whole version of the interview is given as follows

Q: From the way you writing about the issues of Hong Kong, we have the impression that history has a great deal of impact on your research on Hong Kong. Your articles often prove the logic of "one country, two systems" from the constitutional history and territory history. What is the relationship between this study of yours and your personal reading?

A: Majoring in jurisprudence and constitution jurisprudence, I am familiar with the legal history. It is actually because of this research on Hong Kong that has prompted me to read a lot more on related history. For example, I have gone through the history of the British Empire, and then touched upon the history of the Roman Empire as well as ancient Greek history when I was pondering over the characteristics of the British Hong Kong government's administration. Precisely with the understanding of the west, I began to re-examine the Chinese civilization. Looking around the whole world, and particularly the greatest empires in the history such as the Roman Empire, the Ottoman Empire, the Mongol Empire and the British Empire, they were all broken up, while only the Chinese Empire has preserved almost all of its original style in the history. Among the four ancient civilizations in the history, only Chinese civilization is still showing its vibrant vitality. It is sufficient to let us show reverence to the Chinese civilization and Chinese politics.

In this meanwhile, I also dived into the Confucian classics in order to understand what it meant to be a Chinese and the value of our current existence, and furthermore values of our lifestyle. I am increasing more convinced that the most essential part of the Chinese civilization lies in the concepts of "emotion" and "reason." Since the ancient Greek time, the western civilization has not placed the emphasis on the natural feelings towards family and individual. In contrast, the Confucianism values highly the natural emotion because it reflects profound "reason" behind the emotion. Chinese civilization is held together by the "emotion" and "reason."

On the surface, the issues related to frontier seemly are about the institutional settings; actually they hold some inner sacred natural emotion behind. That is the heartfelt respect for ethnic minorities. Therefore, only in this approach can we begin to understand why the Communist Party of China adopts policies on regional autonomy for ethnic minorities after 1949 years so as to retain, explore or even create minority cultures. It is also along the same line that we are able to understand the reasons why the Central Government implements "one country, two systems" policy in Hong Kong, and tries so hard to maintain the prosperity and stability of the city wholeheartedly. It's all about the "emotion" and "reason." The thinking on political philosophy and history has given me a deep and more transcendent perspective. To be honest, I have tried to understand Hong Kong attentively and literally "with my heart."

Q: One of the key points of your book is that we should approach the issue of Hong Kong as a problem of China rather than a local one. Along this line, you examined the differences between COUNTRY and STATE. You also emphasized the importance of the legal system and political philosophy in contemporary nation states. And you talked about the conflicts between

political entities, difference between the classical and the modern state as well as the underlying meaning of "citizen." Am I right that all these issues are closely related to your exploring such as question as to what we should do to build China as a modern country with the rule of law?

A: For those who are familiar with the modern western political philosophy and legal theory, the concept of "one country, two systems" does not go well with the definition of "country" in the modern western political theory. I therefore tend to think it is a state theory but against modern state. Nevertheless, if we put "one country, two systems" in the context of Chinese history, everything is just natural and appropriate from the frontier governance in the dynasties of Ming and Qing to the regional autonomy of ethnic minorities in the new China. Thus, it is only natural for us to conclude that on the surface modern China is a modern nation-state, but is not the one in the western sense as a matter of fact. We must understand it in the context of classical Chinese political system.

Against this background, if China is going to build a modern and law-based country, our understanding and guiding principles should go far beyond the rule of law in the west. We should re-define the form of state of China. At present, among the mainland, Hong Kong & Macao, and Taiwan, China has three jurisdictions. We need to figure out how we should construct China's future law model on this given basis. If we could want China's rise contributing to the history of mankind, then economic growth is not enough. We must provide a political system, which is different from that of modern western civilization, underpinned by our own political philosophy. We, the Chinese, should have the kind of ambition and confidence. In this regard, Hong Kong provides a vivid example and powerful stimulus for us to study the future of China's political system.

Q: From my reading, would it be correct to say that your reflections on the Hong Kong issue are part of your thinking on the political development of the whole country? Also, following the same line, you discussed about the Central Government's different approach in tackling the problems of Tibet and Hong Kong. Are you suggesting that the way we dealing these problems is getting better and mature, which demonstrates China's own development and improvement?

A: In the book I used two concepts, namely the "enfeoffment" and "county" systems, to describe two governing models. The former emphasizes unity, homogeneity and principle, while the latter emphasizes the difference, diversity and flexibility. After 1949 we mainly adopt the "county" approach while after 1978 we added some element of "enfeoffment." The combination of these two principles of governance reflects the gradual maturity of the governing skills. Regarding Hong Kong, the central government is also experiencing a process of trial and error. However, until now, a serious review on the whole process, including its success and drawback, is still absent.

The reasons that I placed a particular emphasis on the governing experience of Hong Kong by the central government are two-fold. First, it is the governance under modern democracy and legal system, where the central government has to face the challenges designed by judicial review, freedom of speech and democratic

elections. This, in turn, will be conducive for its governing the Mainland in coping with the future similar challenges. Secondly, the central government has to administrate Hong Kong indirectly, which means that it often has to use "a diplomatic way to deal with internal affairs." This experience will be conductive for ruling Taiwan in the future as well as in handling international and regional conflicts. Apparently, many people appreciated the former, but not the latter. Economically, China has become a world power. For it to become a word political power, China must equip herself with the ability to deal with international problems and predicaments, such as the relations between India and Pakistan, the Darfur issue, the Israeli-Palestinian deadly opposition and so on. The administration of Hong Kong and Macao was documented in the CPC's work report as "a key issue in governing the state affairs." This means that the Central Government realizes the significance of governing Hong Kong, and prepares itself for future democratic development in the Mainland as well as for China's rise to global political power.

Q: Your argument is that "the Hong Kong issue is not just a regional or local problem but also a problem of China." How have you organized your argument in this book?

A: The highest goal of running Hong Kong is to win people's heart. To this end, two historical knots have to be untied. One is the. Another is the 1989 Tiananmen crisis. The former is targeted the leftist while the latter for the rightist in Hong Kong. This is the main cause of the current political division or even polarization in Hong Kong. It is necessary to place the two issues in the context of the world political history in the 20th century, of the contest between China and the west, of the rise of China and in the rejuvenation of Chinese civilization, in order to comprehend the two historical events. I tried to deal with these problems from the height and depth of the history of political philosophy in the book when talking about the 1967 Anti-British Protest Movement and the Patten's political reform storm in 1992.

Q: I know from the introduction of the book that you were seconded to the Liaison Office in Hong Kong, at their research department. How long did you stay in Hong Kong? What was your research?

A: I stayed here for more than four years, undertaking research projects at the Liaison Office. I like Hong Kong as well as the Liaison Office very much. All our colleagues of the Office have left home for a few years to work in Hong only because of the devotion to the country. Like the ancients say that "One cannot be loyal to the country and filial to parents at the same time," that is the situation. In modern time, we say that "Sacrificing our home for the country." This is exactly the spirit that our Chinese hold close to the heart.

Q: Perhaps because of work responsibilities and academic background, your writings are mainly about political philosophy and jurisprudence, focusing on the grand issues. What about your views on the everyday life in Hong Kong, for instance, your favorite Hong Kong restaurant or place?

A: There are too many things of Hong Kong that I love, for example the trams. In this busy commercial city, it is such a unique leisure, which makes you not only touch upon its long history, but also feel the most real things in life. Another

example would be the evening landscape. Sea, island, moored vessels and color-changing cloud horizon have a sense of texture like a painting. And the countryside in the New Territories is my favorite. Swimming pools, tennis courts, and libraries are quite convenient too.

Q: What are the new topics in your mind that the Post-1997 Hong Kong has brought to the Mainland and to herself?

A: The main task is to make the "one country" in the "one country, two systems" routinized. This would involve several aspects. First, the national treatment, i.e. as the same civil rights of Hong Kong people as the citizen of the People's Republic of China, which is specified in the Constitution. And that goes to the area of education entitlement, the civil service examination, national honor, and so on. Secondly, political identity, i.e. political identity of Hong Kong people, in particular the political elite of the city. This means that they will recognize the political sovereignty of the central government, and respect the political power of the central government. The third is about natural emotion, i.e. mutual loving among people by breaking down artificial isolation between the people in the mainland and Hong Kong gradually, and establishing bonds through everyday interactions. But it does take time and patience.

This little book could also serve as an interim report of my working years at the Liaison Office. I would like to take this opportunity to express my gratitude to the leaders, colleagues, senior staffs and friends of the Hong Kong and Macao Office of the State Council and Hong Kong SAR Government for their advice, encouragement, support and help. My debt of thanks also goes to the support I have got from the Liaison Office in Hong Kong, Hong Kong and Macao Basic Law Committee of the Standing Committee of National People's Congress. I would also like to thank Jia Baolan, Lin Daoqun and Feng Jinhong, who have made efforts for the publication of these words. Finally, I would especially like to thank my wife Sun Lixin for her efforts for the whole family in hard times in recent years. My thanks also go to Weyue, Weiyu, Shuchen and Qisheng for the happiness and delight brought by their rapid growth in the past few years.

Jiang Shigong
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